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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Third periodic reports of States parties due in 2013

Philippines* **

[Date received: 25 November 2014]

* The second periodic report of the Philippines is contained in document CAT/C/PHL/2; it was considered by the Committee at its 868th and 871st meetings (CAT/C/SR.868 and 871), held on 28 and 29 April 2009. For its consideration, see the Committee's concluding observations (CAT/C/PHL/CO/2).

** The present document is being issued without formal editing.

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Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

In the light of the Committee's previous recommendations (para. 10), please provide the Committee with the full text of the definition of torture contained in the State party's legislation. Has the definition of torture as found in article 1 of the Convention been incorporated into domestic law, in particular into the Penal Code or the Anti-Torture Act (RA 9745)? Please provide the Committee with information on any cases of direct application of the Convention by domestic courts.

1. Yes, the definition of torture as found in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was incorporated in Republic Act (RA) No. 9745, otherwise known as "An Act Penalizing Torture And Other Cruel, Inhuman and Degrading Treatment or Punishment and Prescribing Penalties Therefor," which was signed into law on November 19, 2009. Section 3, para. (a), of this Act provides: Torture refers to an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession; punishing him/her for an act he/she or a third person has committed or is suspected of having committed; or intimidating or coercing him/her or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

2. There has been no case yet filed in domestic court directly applying the Convention. Torture cases are filed pursuant to existing domestic legislation, such as RA 9745.

Are all acts of torture classified as criminal offences with corresponding penalties under the Anti-Torture Act? Please provide detailed information on the contents of the Act as well as the steps to ensure its implementation in practice. Please provide information regarding any case in which individuals have been charged with violating the act, including a summary of the allegations in the case, the outcome of any trials, the status of any ongoing trials, and details regarding any penalties imposed. Please indicate whether the Act provides for liability for individuals in positions of command responsibility and specifically indicate whether any individual has been convicted on this basis.

3. All acts of torture are classified as criminal offenses with corresponding penalties under RA 9745, as follows:

> "Section 4 – Acts of Torture
>
> For purposes of this Act, torture shall include, but not be limited to, the following:
>
> (a) Physical torture is a form of treatment or punishment inflicted by a person in authority or agent of a person in authority upon another in his/her custody that causes severe pain, exhaustion, disability or dysfunction of one or more parts of the body, such as:
>
> (1) Systematic beating, head banging, punching, kicking, striking with truncheon or rifle butt or other similar objects, and jumping on the stomach;

(2) Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;

(3) Electric shock;

(4) Cigarette burning; burning by electrically heated rods, hot oil, acid; by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wound(s);

(5) The submersion of the head in water or water polluted with excrement, urine, vomit and/or blood until the brink of suffocation;

(6) Being tied or forced to assume fixed and stressful bodily position;

(7) Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;

(8) Mutilation or amputation of the essential parts of the body such as the genitalia, ear, tongue, etc.;

(9) Dental torture or the forced extraction of the teeth;

(10) Pulling out of fingernails;

(11) Harmful exposure to the elements such as sunlight and extreme cold;

(12) The use of plastic bag and other materials placed over the head to the point of asphyxiation;

(13) The use of psychoactive drugs to change the perception, memory, alertness or will of a person, such as:

(i) The administration or drugs to induce confession and/or reduce mental competency; or

(ii) The use of drugs to induce extreme pain or certain symptoms of a disease; and

(14) Other analogous acts of physical torture; and

(b) "Mental/Psychological Torture" refers to acts committed by a person in authority or agent of a person in authority which are calculated to affect or confuse the mind and/or undermine a person's dignity and morale, such as:

(1) Blindfolding;

(2) Threatening a person(s) or his/her relative(s) with bodily harm, execution or other wrongful acts;

(3) Confinement in solitary cells or secret detention places;

(4) Prolonged interrogation;

(5) Preparing a prisoner for a "show trial", public display or public humiliation of a detainee or prisoner;

(6) Causing unscheduled transfer of a person deprived of liberty from one place to another, creating the belief that he/she shall be summarily executed;

(7) Maltreating a member/s of a person's family;

(8) Causing the torture sessions to be witnessed by the person's family, relatives or any third party;

(9) Denial of sleep/rest;

(10) Shame infliction such as stripping the person naked, parading him/her in public places, shaving the victim's head or putting marks on his/her body against his/her will;

(11) Deliberately prohibiting the victim to communicate with any member of his/her family; and

(12) Other analogous acts of mental/psychological torture."

"Section 13 Who are Criminally Liable

Any person who actually participated Or induced another in the commission of torture or other cruel, inhuman and degrading treatment or punishment or who cooperated in the execution of the act of torture or other cruel, inhuman and degrading treatment or punishment by previous or simultaneous acts shall be liable as principal.

Any superior military, police or law enforcement officer or senior government official who issued an order to any lower ranking personnel to commit torture for whatever purpose shall be held equally liable as principals.

The immediate commanding officer of the unit concerned of the AFP or the immediate senior public official of the PNP and other law enforcement agencies shall be held liable as a principal to the crime of torture or other cruel or inhuman and degrading treatment or punishment for any act or omission, or negligence committed by him/her that shall have led, assisted, abetted or allowed, whether directly or indirectly, the commission thereof by his/her subordinates. If he/she has knowledge of or, owing to the circumstances at the time, should have known that acts of torture or other cruel, inhuman and degrading treatment or punishment shall be committed, is being committed, or has been committed by his/her subordinates or by others within his/her area of responsibility and, despite such knowledge, did not take preventive or corrective action either before, during or immediately after its commission, when he/she has the authority to prevent or investigate allegations of torture or other cruel, inhuman and degrading treatment or punishment but failed to prevent or investigate allegations of such act, whether deliberately or due to negligence shall also be liable as principals.

Any public officer or employee shall be liable as an accessory if he/she has knowledge that torture or other cruel, inhuman and degrading treatment or punishment is being committed and without having participated therein, either as principal or accomplice takes part subsequent to its commission in any of the following manner:

(a) By themselves profiting from or assisting the offender to profit from the effects of the act of torture or other cruel, inhuman and degrading treatment or punishment;

(b) By concealing the act of torture or other cruel, inhuman and degrading treatment or punishment and/or destroying the effects or instruments thereof in order to prevent its discovery; or

(c) By harbouring, concealing or assisting in the escape of the principal/s in the act of torture or other cruel, inhuman and degrading treatment or punishment: Provided, That the accessory acts are done with the abuse of the official's public functions."

"Section 14 – Penalties

(a) The penalty of reclusion perpetua shall be imposed upon the perpetrators of the following acts:

(1) Torture resulting in the death of any person;

(2) Torture resulting in mutilation;

(3) Torture with rape;

(4) Torture with other forms of sexual abuse and, in consequence of torture, the victim shall have become insane, imbecile, impotent, blind or maimed for life; and

(5) Torture committed against children.

(b) The penalty of reclusion temporal shall be imposed on those who commit any act of mental/psychological torture resulting in insanity, complete or partial amnesia, fear of becoming insane or suicidal tendencies of the victim due to guilt, worthlessness or shame.

(c) The penalty of prision correccional shall be imposed on those who commit any act of torture resulting in psychological, mental and emotional harm other than those described in paragraph (b) of this section.

(d) The penalty of prision mayor in its medium and maximum periods shall be imposed if, in consequence of torture, the victim shall have lost the power of speech or the power to hear or to smell; or shall have lost an eye, a hand, a foot, an arm or a leg; or shall have lost the use of any such member; Or shall have become permanently incapacitated for labor.

(e) The penalty of prision mayor in its minimum and medium periods shall be imposed if, in consequence of torture, the victim shall have become deformed or shall have lost any part of his/her body other than those aforecited, or shall have lost the use thereof, or shall have been ill or incapacitated for labor for a period of more than ninety (90) days.

(f) The penalty of prision correccional in its maximum period to prision mayor in its minimum period shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for more than thirty (30) days but not more than ninety (90) days.

(g) The penalty of prision correccional in its minimum and medium period shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for thirty (30) days or less.

(h) The penalty of arresto mayor shall be imposed for acts constituting cruel, inhuman or degrading treatment or punishment as defined in Section 5 of this Act.

(i) The penalty of prision correccional shall be imposed upon those who establish, operate and maintain secret detention places and/or effect or cause to effect solitary confinement, incommunicado or other similar forms of prohibited detention as provided in Section 7 of this Act where torture may be carried out with impunity.

(j) The penalty of arresto mayor shall be imposed upon the responsible officers or personnel of the AFP, the PNP and other law enforcement agencies for failure to perform his/her duty to maintain, submit or make available to the public an updated list of detention centers and facilities with the corresponding data on the

prisoners or detainees incarcerated or detained therein, pursuant to Section 7 of this Act."

4. To help ensure the implementation of RA 9745 in practice, including the Convention and its Optional Protocol, the State Party, through the Bureau of Jail Management and Penology (BJMP) implemented/established the following:

(a) Human Rights Affairs Office (HRAO) and Human Rights Desk – The establishment of HRAO under the Directorate for Inmate Welfare and Development and the Human Rights Desk manned by a designated officer in every jail allows immediate action to be done on complaints of torture by inmates, provide deterrence to violation and a focal office for torture prevention. (BJMP Memoranda dated September 27, 2010 and February 21, 2011)

(b) Anti-Torture Message on the Security Identification Card – The BJMP has completed the issuance of Security Identification Cards to all its personnel nationwide bearing an Anti-Torture Message to remind them constantly, which reads: "We must ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times, and that, no person placed under investigation or held in custody of any person in authority, or agent of a person in authority shall be subjected to physical, psychological, and mental harm, force, violence, threat or intimidation or in any manner that demeans or degrades human dignity". (RA 9745)

(c) The BJMP also issued SOP No. 2010-08 based on the "Basic Principles on the Use of Force and Firearms" as adapted by the Eight United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, Cuba. It provided as a general principle that "The use of force shall not be resorted to except in self-defense or in the defense of others against grave and imminent threat of death or serious injury, or when strictly necessary such as escape of an inmate". Likewise it specified that whenever the lawful use of force and firearms is unavoidable, jail officers shall (a) Exercise restraint in such use and act in proportion to the seriousness of the offense and the legitimate objective to be achieved; (b) Minimize the damage and injury, and respect human rights and preserve human life. It also requires the conduct of post-incident investigation to determine the appropriateness of the level of force used, if the use of force was deemed necessary under a given set of circumstances.

(d) The BJMP has institutionalized the Therapeutic Community Modality Program (TCMP) in 258 jails or 56 % of all BJMP-manned jails nationwide. The TCMP effectively provides a behavior shaping program for all prisoners and detainees and promotes as well as the of use non-violent means of discipline which, along with those legal sanctions provided in the BJMP Manual, effectively deter the use of archaic physical disciplinary sanctions, thus helping improve the overall protection of the human rights of inmates.

(e) The BJMP likewise issued Memorandum dated August 1, 2013 banning the use and ordering the confiscation and destruction of sticks, paddles, belts, and similar devices proliferating in jails and reportedly used to impose corporal punishment on inmates. The Memorandum reminded all jail officers of the strict prohibition against these "instruments of torture" under RA 9745 and concerning our lawful obligation to uphold the human rights of the inmates.

5. Moreover, the Department of Justice (DOJ), Commission on Human Rights (CHR) of the Philippines, with the active participation of human rights non-government organizations, such as the Medical Action Group (MAG), Balay Rehabilitation Center (Balay), Philippine Alliance of Human Rights Advocate and Philippine Network Against Torture, drafted the Implementing Rules and Regulations (IRR) on the Anti-Torture Act. A number of national consultative meetings were conducted in the National Capital Region,

Luzon, Visayas, and Mindanao and were widely participated in by the prosecutors, law enforcement agencies and military personnel, non-governmental organizations (NGOs) and other stakeholders. The IRR was issued by the President on December 10, 2010 in Malacañang, with the Secretary of Justice, CHR Chairperson and United Nations representative as witnesses. The IRR took effect on the same date.

6. On the case of PSI Joselito Binayug, et al., the DOJ found a prima facie case against the accused for the crime of "Torture Resulting in Death". The case is now undergoing trial before the Manila Regional Trial Court Branch 1, and docketed as Criminal Case No. 11-286433.

Article 2

In the light of the Committee's previous concluding observations (paras. 10 and 11) and the letter sent by the Committee's Rapporteur for follow up on December 2011, please provide updated information on the measures taken to prevent acts of torture during police or remand detention and during military operations, and to ensure that detainees are brought before a judge promptly and that all detainees are systematically registered. Please clarify whether detainees are guaranteed the right to contact a lawyer of their choice and a family member at the time of their detention, and whether inmates have the right to an examination by an independent doctor upon request at the time of their detention and thereafter. Please indicate where these rights are provided in law, how the State party ensures they are afforded in practice, and how detainees are made aware of them.

7. Section 14 Article III of the Philippine Constitution guarantees that:

"(1) No person shall be held to answer for a criminal offense without due process of law.

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable."

8. Also, RA 7438, otherwise known as "An Act Defining Certain Rights Of Person Arrested, Detained Or Under Custodial Investigation As Well As The Duties Of The Arresting, Detaining And Investigating Officers, And Providing Penalties For Violations Thereof" grants detainees the right to contact and to confer in private with his lawyer of choice, the right to be examined by an independent physician and the right to be informed of their Miranda rights. Section 2 of RA 7438 states:

"Section 2 – Rights of Persons Arrested, Detained or Under Custodial Investigation; Duties of Public Officers

(a) Any person arrested detained or under custodial investigation shall at all times be assisted by counsel.

(b) Any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offense shall inform the latter, in a language known to and understood by him, of his rights to remain silent and to have competent and independent counsel, preferably of his own choice, who shall at all times be allowed to confer privately with the person

arrested, detained or under custodial investigation. If such person cannot afford the services of his own counsel, he must be provided with a competent and independent counsel by the investigating officer.

(c) The custodial investigation report shall be reduced to writing by the investigating officer, provided that before such report is signed, or thumb marked if the person arrested or detained does not know how to read and write, it shall be read and adequately explained to him by his counsel or by the assisting counsel provided by the investigating officer in the language or dialect known to such arrested or detained person, otherwise, such investigation report shall be null and void and of no effect whatsoever.

(d) Any extrajudicial confession made by a person arrested, detained or under custodial investigation shall be in writing and signed by such person in the presence of his counsel or in the latter's absence, upon a valid waiver, and in the presence of any of the parents, elder brothers and sisters, his spouse, the municipal mayor, the municipal judge, district school supervisor, or priest or minister of the gospel as chosen by him; otherwise, such extrajudicial confession shall be inadmissible as evidence in any proceeding.

(e) Any waiver by a person arrested or detained under the provisions of Article 125 of the Revised Penal Code, or under custodial investigation, shall be in writing and signed by such person in the presence of his counsel; otherwise the waiver shall be null and void and of no effect.

(f) Any person arrested or detained or under custodial investigation shall be allowed visits by or conferences with any member of his immediate family, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any national non-governmental organization duly accredited by the Commission on Human Rights of by any international non-governmental organization duly accredited by the Office of the President. The person's 'immediate family' shall include his or her spouse, fiancé or fiancée, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward.

As used in this Act, 'custodial investigation' shall include the practice of issuing an 'invitation' to a person who is investigated in connection with an offense he is suspected to have committed, without prejudice to the liability of the 'inviting' officer for any violation of law."

9. It is a standard operating procedure and established practice for law enforcement agents to apprise the person arrested, detained, under custodial investigation or the accused of his rights under the Miranda doctrine. Any Philippine National Police (PNP) personnel who violate the law shall suffer the penalty of imprisonment and/or fine if found guilty as provided for in Section 4 of RA 7438, to wit:

"Section 4 – Penalty Clause

(a) Any arresting public officer or employee, or any investigating officer, who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have competent and independent counsel preferably of his own choice, shall suffer a fine of Six thousand pesos (P6,000.00) or a penalty of imprisonment of not less than eight (8) years but not more than ten (10) years, or both. The penalty of perpetual absolute disqualification shall also be imposed upon the investigating officer who has been previously convicted of a similar offense.

The same penalties shall be imposed upon a public officer or employee, or anyone acting upon orders of such investigating officer or in his place, who fails to

provide a competent and independent counsel to a person arrested, detained or under custodial investigation for the commission of an offense if the latter cannot afford the services of his own counsel.

(b) Any person who obstructs, prevents or prohibits any lawyer, any member of the immediate family of a person arrested, detained or under custodial investigation, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, from visiting and conferring privately with him, or from examining and treating him, or from ministering to his spiritual needs, at any hour of the day or, in urgent cases, of the night shall suffer the penalty of imprisonment of not less than four (4) years nor more than six (6) years, and a fine of four thousand pesos (P4,000.00).

The provisions of the above Section notwithstanding, any security officer with custodial responsibility over any detainee or prisoner may undertake such reasonable measures as may be necessary to secure his safety and prevent his escape."

10. To ensure accessibility to court at all times, night courts and night shifts prosecutors are assigned. In Administrative Order No. 19-2011 entitled "Establishing Night Courts in the Metropolitan Trial Courts of Pasay City and Makati City", the Supreme Court, in line with the constitutional mandate on the speedy disposition of cases and in the exercise of its power of administrative supervision over all courts, has ordered (a) the establishment of night courts in the Metropolitan Trial Courts of Manila "to try and decide all special cases enumerated in the Rule on Summary Procedure, and (b) the opening of two branches in the Metropolitan Trial Courts of Quezon City as night courts to hear "cases involving nighttime apprehensions" and "special cases enumerated in the Rule on Summary Procedure".

11. DOJ Prosecutors and Public Attorneys also conduct inquest at night by shifting schedule pursuant to Revised Manual for Prosecutors, s. 2008 and Memorandum Circular 02, series of 2008 (Night, Weekend, and Holiday Inquest Duty), respectively.

12. Moreover, RA 9745 requires detention facilities and jails to keep a systematic registration and records of all detainees and prisoners, respectively, which they are required to regularly submit to the Commission of Human Rights or suffer the penalty of *arresto mayor*.

13. Article 125 of the Revised Penal Code ensures that arrested persons are brought before the court/judge within the prescribed period and any unjustified delay is punishable as a crime.

14. Every person who has been arrested, detained or under custodial investigation has the right to be informed of his right to demand physical examination. This is immediately executory without a need of court order. Section 12 of RA 9745, provides that:

"Before and after interrogation, every person arrested, detained or under custodial investigation shall have the right to be informed of his/her right to demand physical examination by an independent and competent doctor of his/her own choice. If such person cannot afford the services of his/her own doctor, he/she shall be provided by the State with a competent and independent doctor to conduct physical examination. The State shall endeavor to provide the victim with psychological evaluation if available under the circumstances. If the person arrested is a female, she shall be attended to preferably by a female doctor. Furthermore, any person arrested, detained or under custodial investigation, including his/her immediate family, shall have the right to immediate access to proper and adequate medical treatment. The physical examination and/or psychological evaluation of the victim shall be contained in a medical report, duly signed by the attending physician,

which shall include in detail his/her medical history and findings, and which shall he attached to the custodial investigation report. Such report shall be considered a public document."

15. The Implementing Rules and Regulations (IRR) of RA 9745, mandates that the medical examination shall be done at no cost to the victim, and under no circumstances will he/she be required to pay for laboratory fees, testing fees, x-rays, or any and all other expenses. It also provides for additional protection to female detainees and children. All medical examiners are under a legal and ethical obligation to conduct a diligent and complete medical examination. The medical report is considered a public document, except medical reports involving children and victims of sexual violence.

16. The State Party ensures that the rights provided under the law are being duly implemented through its IRR and by providing corresponding penalties as provided under the law. Detainees are made aware through the public awareness program of the government, Public Attorney's Office (PAO), NGOs and other civil society groups.

17. Section 21 of RA 9745 provides for the Education and Information Campaign, to read as follows:

> "The CHR, the DOJ, the Department of National Defense (DND), the Department of the Interior and Local Government (DILG) and such other concerned parties in both the public and private sectors shall ensure that education and information regarding the prohibition against torture and other cruel, inhuman and degrading treatment or punishment shall be fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. The Department of Education (DepEd) and the Commission on Higher Education (CHED) shall also ensure the integration of the right against torture in human rights education courses in all primary, secondary and tertiary level academic institutions nationwide."

18. To ensure that detainees are not subjected to any kind of torture during detention, detention facilities or lock-up cells under the control of the Philippine National Police (PNP) are being inspected by Human Rights Desk Officers nationwide randomly and corresponding reports are being submitted to the Commission on Human Rights.

19. On the registry of detainees, all PNP detention facilities or lock-up cells have official record of all detainees in the said facility or lock-up cell. Recording therein is done in accordance with the prescribed procedure and there are prescribed minimum data that are being filled up.

20. The BJMP instituted a practical informational tool to enhance awareness of inmates about their rights during their detention in the form of a one-page Detainee Information Sheet that is given to an inmate as soon as he is committed to a BJMP facility.

21. The Armed Forces of the Philippines (AFP) in the year 2010 strengthened the functions of its Human Rights Office (AFPHRO). The said office conducts continuous advocacy training/information dissemination campaigns with particular emphasis on the Anti-Torture Law; inquiries/refers for investigation incidents relating to torture and other alleged human rights violations; and continuous engagements with stakeholders, all of which aim to prevent acts of torture especially during the conduct of military operations. Military personnel are inculcated on the rules and provisions of the law, such as the rules on arrest (Rule 113 of the Rules of Court of the Philippines); RA 7438 (Rights of Persons Arrested, Detained or Undergoing Custodial Investigation); the Anti-Torture Law

(RA 9745); including the recently enacted law known as the Anti-Enforced Disappearance Law (RA 10353).

22. Also, the national human rights institution of the Philippines known as the Commission on Human Rights (CHR) ensures that government agencies comply with the said law, in that, arrested persons are immediately subjected to physical and medical examination; "spot visits" are conducted by the CHR; and, visitors enumerated under RA 7438, RA 9745 and RA 10353 are allowed to confer with the detainees.

According to information before the Committee in many cases, persons brought to police stations by Philippine National Police (PNP) are not formally arrested before they are brought in, and therefore are not afforded the protections provided by Article 125 of the Revised Penal Code. Please comment on these allegations and indicate what measures the State party has taken, other than inspections of police station lock-ups and prison visits by judges, to ensure that detainees are not held longer than the period allowed by law. Please describe the measures taken to investigate the allegations noted by the Committee's Rapporteur for follow-up concerning 43 individuals arrested by PNP and Armed Forces of the Philippines (AFP) forces in Morong, Rizal on 06 February 2010, who were reportedly subjected to physical and psychological abuse during interrogation by AFP personnel and were not informed of their right to counsel.

23. The State Party would welcome specific information in order for its competent authorities to verify and validate allegations that persons were brought to the police stations by PNP officials were not previously formally arrested and not afforded protection as provided for under Article 125 of the Revised Penal Code (RPC).

24. The following are some measures to ensure that detainees are not being held longer than the period allowed by law, to wit: appointment of night courts and night-shift prosecutors to expeditiously hear cases even beyond office hours; any violations can be sanctioned under arbitrary detention and illegal detention of the Revised Penal Code (RPC). Please see discussion under Item 3.

25. The case filed against the Morong 43, who were arrested in February 2010 by virtue of a court issued arrest warrant and detained for illegal possession of firearms and explosives, was later dismissed by the court. They, thereafter sued former President Gloria Macapagal Arroyo and her top military officials for damages for human rights violations. Six of the Morong 43 filed the P15 million-damage suit in April 2012.

What safeguards are in place to ensure that medical personnel are not subject to police intimidation and are able to examine victims independently of the police and to maintain the confidentiality of the medical reports, and how does the State party monitor the implementation of such safeguards to ensure they are afforded in practice? Please comment on the cases of Jedil Esmael Lylestiri, who was allegedly tortured by military intelligence personnel on 26 June 2011; and Rahman Totoh, who was allegedly tortured following his detention on 28 July 2011 by members of the Special Action Force (SAF). Please comment on reports that no investigation has been opened into these claims on the grounds that the medical examinations they received do not meet the standards required by the Anti-Torture Act to initiate a prosecution.

26. RA 9745 provides for institutional protection to victims and all other persons involved, including the medical personnel, to wit:

> "Section 9 – Institutional Protection of Torture Victims and Other Persons Involved
>
> A victim of torture shall have the following rights in the institution of a criminal complaint for torture:

(...)

(b) To have sufficient government protection against all forms of harassment; threat and/or intimidation as a consequence of the filing of said complaint or the presentation of evidence therefor. In which case, the State through its appropriate agencies shall afford security in order to ensure his/her safety and all other persons involved in the investigation and prosecution such as, but not limited to, his/her lawyer, witnesses and relatives; and ..."

27. Section 16 of the IRR of RA 9745 states:

"Section 16 - Sufficient government protection against all forms of harassments, threat and/or intimidation as a consequence of the filing of said complaint or the presentation of evidence thereof

Upon filing of the complaint, during trial and until the case reaches final disposition, the victim, as well as other persons involved in the investigation and prosecution of the case, shall be ensured sufficient government protection, such as placing the persons being investigated under preventive suspension during the period of administrative investigation, filing a motion in court to transfer the detainee to a safe place and other remedies as may be provided for by law.

The factors to be considered in granting protection may include:

(1) Power and position of perpetrators;

(2) Capacity and access to resources of the accused;

(3) History of retaliatory action of the accused;

(4) Economic, social status, and gender of the victim and other involved persons;

(5) Degree of severity of the act complained of;

(6) Geographical distance between the victim/other involved persons and the accused.

The victim of torture and witnesses to torture may avail of the benefits under Republic Act 7981 otherwise known as the "Witness Protection, Security and Benefit Act" and other applicable laws."

28. Jedil Esmael Mestiri was arrested by the PNP, with the assistance of members of 32nd Infantry Battalion, Philippine Army by virtue of warrant of arrest for murder and arson. Per investigation conducted by the Basilan Provincial Police Office (PPO), Mestiri was turned over to Lamitan City Police Station the following day after his arrest, for his proper disposition and subsequent commitment to the court. Before Mestiri was brought to the Provincial Jail of Isabela, he was given a medical examination at the Basilan General Hospital and no signs of physical abuse or maltreatment were found. Basilan PPO maintained that Mestiri was treated fairly at the time of his confinement and that he was not subjected to any kind of torture.

29. As regards the case of Rahman Totoh, the PNP investigation conducted revealed that there is no truth allegation that Rahman Totoh was tortured. Totoh made an attempt to escape, which forced the arresting officer to chase and subdue him. When Totoh was already in jail and complained of chest pains, medical attention was immediately given to him. Based on the Medical Certificate, his injuries were mostly found in the chest, which could have been inflicted when the arresting officers placed him in prone position in order to be handcuffed when he resisted arrest. The police procedure that requires a suspect to be

placed in a prone or lying face down is a standard technique applied in performing arrest. Hence, it was concluded that the arresting officers performed their duties with regularity."

30. Pursuant to RA 6975 or the DILG Reorganization Act of 1990, the BJMP is created separate and independent of the PNP. Among the powers and functions of the PNP under Section 24 (e) of RA 6975, is to "Detain an arrested person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution". In general, the PNP transfers custody of suspects immediately after an Information or Complaint is filed in court and when the court issues a Commitment Order ordering the detention of the person arrested to the custody of the BJMP pending the trial of his/her case. The immediate transfer of the suspect to BJMP custody precludes any police intimidation against medical personnel who wish to examine victims independently of the police and to maintain the confidentiality of their medical reports.

With regard to the follow-up responses provided by the State party (CAPC/PHL/CO/2/Add. 1, paras. 2), please indicate:

(a) Whether PNP and AFP has compiled a list of all detention centers and facilities under their respective jurisdictions. If so, please provide this list to the Committee. If not, please indicate when such a central register will be established. If it has been established, please indicate whether it is updated on at least a monthly basis, as provided for in RA 9475. Please provide added information on the procedure whereby members of the public can access this register and on what measures are in place to ensure that the register is accurate;

31. Pursuant to the requirement under Section 7 (Prohibited Detention) of RA 9745, the PNP and the AFP submit a regular list of their detention centers and facilities, with relative information, to the CHR.

32. For security and safety reasons, such as to ensure the protection of the life and limb of members of the police force, including persons in detention and visitors therein, as well as the protection/preservation of property from any loss or destruction, said register is not made accessible to public except when necessary for government investigation by which the register or part thereof may be used as evidence in any proceeding or as may be ordered otherwise by a court of competent jurisdiction.

33. The PNP Human Rights Desk Offices and the CHR conduct random inspection of police station lock up cells, and may speak privately with individual detainees. During these inspections, no detainees were found to have been denied of their fundamental safeguards, neither were they subjected to torture or ill-treatment except for one (1) incident was reported involving the detainee Darius Evangelista allegedly perpetrated by then Police Senior Inspector (PSINSP) Joselito Binayug of Manila Police District.

(b) Which entity carries out random inspections of police station lock-up cells? Are all detention facilities monitored by unannounced inspection visits? Do the individuals conducting the inspections meet with and speak privately with detained persons? What steps have been taken to ensure implementation of the Memorandum Directive of 4 November 2008 concerning inspections of lock-up cells?

34. The CHR exercises visitorial powers at any time over jails, prisons and detention facilities. It has unrestricted access to any detention facilities inside military camps, police lock-up cells, jails, prisons, youth homes, or any detention, rehabilitation, confinement and other similar facilities.

35. All lock up cells are being inspected by Human Rights Desk Offices using a checklist to ensure the implementation of the memorandum directive dated November 4, 2009.

(c) Have any inspections of police lock-ups found that a person in detention was denied fundamental safeguards or was subject to torture or ill-treatment, and if so, what action was taken in response? Please provide the total number of police lock-ups in the country and data indicating the date of all visits to police stations and the location of the station;

36. As regards the torture of a detainee, the PNP has one (1) incident involving detainee Darius Evangelista allegedly perpetrated by then PSINSP Joselito Binayug of Manila Police District.

37. With respect to visits to police stations and location of the station, the State Party pursuant to RA 9745, otherwise known as the Anti Torture Law, conducts random inspections monthly through the PNP Human Rights Desk Officers nationwide and the corresponding reports are being submitted to the CHR.

(d) How many prison visits have been conducted by judges during the reporting period? Please disaggregate this information by location. Have any such visits resulted in investigation into alleged torture or ill-treatment? Please provide details, and indicate whether judges have ordered other urgent measures as a result of such visits;

38. The courts, through the Justice on Wheels program regularly visit lock up facilities.

(e) Please describe any measures taken to ensure the accuracy of the information recorded in the mandatory police blotters maintained by all PNP units, and the procedure according to which members of the public may access information contained in the blotters.

39. In order to ensure the accuracy of the information recorded in the police blotters, the PNP launched the so-called "E-Blotter System" or the "Crime Incident Reporting System (CIRS)". Under this system, the recording of crime incident will already be computerized and shall be accessible to all police stations nationwide and the National Headquarters.

Further to the Committee's previous concluding observation (para. 8) and the State party's acceptance of recommendations made in the universal periodic review CA/HRC/8/28/Add.1, paragraph 2 (e) and (f), please provide updated information on measures taken to address extrajudicial killings and enforced disappearances, and particularly:

(a) Measures taken or envisaged to address unresolved cases of extrajudicial executions and enforced disappearances from the last decade, including 621 outstanding cases reported by the Working Group on Enforced or Involuntary Disappearances (A/HRC/19/58 and Rev.1, para. 468); and to address allegations sent by the Working Group on Enforced or Involuntary Disappearances, in December 2008, concerning dismissal by the Court of Appeals of Amparo petitions on the grounds of the supposed failure of the petitioners to prove that their rights to life, liberty or security were violated or under threat (A/HRC/13/31 and Corr.1, paras. 416 ff.; A/HRC/16/48, para. 395);

40. On measures to address extrajudicial killings (EJK) and enforced disappearances (ED), listed are the following mechanisms that are set in place and already fully operational to address these cases:

(a) Task Force Usig under the PNP was created in 2006 to validate reported cases of killings of political activists and media practitioners. A year later, this would be complemented by the Presidential Task Force on media harassments and the Justice department-led inter-agency task force to look into cases of killings involving political personalities;

(b) Both the AFP and the PNP established their respective human rights affairs offices, in January and June of 2007. Today, both offices are headed by high-level officers;

(c) The Supreme Court, in July 2007, spearheaded a Summit on EJKs that resulted in the creation of special remedies, such as the writ of amparo, writ of habeas data, and writ of kalikasan (writ on the environment). The Philippine Judiciary Academy conducted three (3) National Workshops on the Role of Judges, Prosecutors and Public Defense Attorneys on the Prevention of Torture in 2002, and twenty-five (25) Multi-Sectoral and Skills-Building Workshops on Human Rights Issues: Extra-Legal Killings and Enforced Disappearances from 2007 to 2011;

(d) Administrative Order No. 35 was issued on November 22, 2012 creating an Inter-Agency Committee (IAC) on Extrajudicial Killings, Enforced Disappearance, Torture and other Grave Human Rights Violations. Among the commitments embodied in the Order is the establishment of an efficient, coherent, and comprehensive government machinery dedicated to the resolution of cases of extrajudicial killings (EJK), enforced disappearances (ED), torture, and other grave violations of the right to life, liberty, and security of persons. The IAC is composed of representatives from the Departments of Justice (DOJ), Interior and Local Government (DILG), National Defense (DND), Office of the Presidential Adviser on the Peace Process, Office of the Presidential Adviser for Political Affairs, Presidential Human Rights Committee, and Armed Forces of the Philippines (AFP), Philippine National Police and the National Bureau of Investigation (NBI). The IAC have already identified priority cases and created Special Investigation Teams, Special Oversight Teams and Special Tracker Teams to expedite the processing of these cases;

(e) In a parallel effort, the PNP, through its Human Rights Affairs Office (HRAO), adopted a human rights-based policing concept in the implementation of its organizational thrusts consistent with the objectives of the PNP Integrated Transformation Program;

(f) The DOJ also created a task force of prosecutors on human rights and EJKs, and is currently finalizing an internal circular on evidence gathering in case build-up in partnership with law enforcement agencies.

41. With these efforts, the CHR reported a 69% decrease in the number of alleged extrajudicial killings since 2008. Based on the CHR Regional Offices' Report and CHR MAREIS consolidated by the Investigation Division, Legal and Investigation Office, there was a significant decrease in incidents of extrajudicial killings from 2008 to 2013. There were 149 cases of alleged extrajudicial killings for the year 2008 with 211 victims as compared to 26 reported alleged incident of extrajudicial killings for the period January 2013 to October 2013 with 52 victims. It should be noted, however, that the number of cases may vary after resolution/disposition of these cases.

42. With respect to enforced disappearance/abduction cases, the CHR investigated 26 incidents of alleged enforced disappearance (ED) for the year 2008 with 43 victims. This was decreased to 10 reported cases of alleged enforced disappearance for the period January to October 2013 with 15 victims.

43. The CHR likewise investigated 25 cases of alleged torture, with 37 victims for the year 2008. The figure was increased to 38 incidents of alleged torture with 46 victims for the period January to October 2013.

(b) The text of any legislation that specifically criminalize extrajudicial executions and enforced disappearances, and the measures taken to ensure the effective implementation of such legislation in practice. Please provide the Committee with data on may investigations, prosecutions, or convictions regarding extrajudicial executions or enforced disappearances during the reporting period;

44. The proposed bill criminalizing EJK is still pending in Congress. Presently, a criminal case for murder or homicide is filed against those who, after the preliminary investigation conducted by the DOJ, are suspected to be behind the commission of EJKs.

45. RA 10353, otherwise known as "An Act Defining and Penalizing Enforced or Involuntary Disappearance" was signed by President Aquino into law on December 21, 2012. Its Implementing Rules and Regulations (IRR) were signed on February 12, 2013.

(c) Whether the Enforced or Involuntary Disappearance Act, which was passed by the Senate in June 2011, has been enacted into law;

46. Yes, President Aquino signed into law RA 10353, otherwise known as "An Act Defining and Penalizing Enforced or Involuntary Disappearance" on December 21, 2012.

(d) The mandate and activities of the Truth Commission established by presidential executive order in July 2010 in addressing human rights violations and investigating cases of extrajudicial killings and enforced disappearances;

47. On July 30, 2010, President Aquino issued Executive Order No. 1 creating the Philippine Truth Commission of 2010. The Commission was tasked to investigate reports of graft and corruption "of such scale and magnitude that shock and offend the moral and ethical sensibilities of the people," involving third level public officers and higher, their co-principals, accomplices and accessories from the private sector, if any, during the previous administration, and thereafter to submit its finding and recommendations to the President, Congress and the Ombudsman.

48. However, separate petitions for certiorari and prohibition assailing the constitutionality of Executive Order No. 1 were filed by private citizen Louis Biraogo (G.R. No. 192935) and a group of congressmen led by Lakas Kampi CMD chairman Rep. Edcel Lagman (G.R. No. 193036) before the Supreme Court.

49. The Supreme Court ruled that while the president had the authority to create the Philippine Truth Commission, the constitutionality of Executive Order No. 1 cannot be sustained in view of its apparent transgression of the equal protection clause enshrined in Section 1, Article III of the Constitution.

(e) What measures have been taken in response to the alleged disappearance of more than 70 people in the Central Luzon region reported by the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/12 para. 194; A/HRC/106, para. 323);

50. The State Party has taken note of the general allegations contained in paragraphs 321 to 324 of the Report of the Working Group on Enforced and Involuntary Disappearances under document number A/HRC/10/9, which was also indicated in paragraph 194 of document number A/HRC/13/42. The State Party would welcome receiving specific information in order for its competent authorities to verify and validate the allegations of the disappearance of more than 70 persons in Central Luzon

(f) What measures have been taken in response to the enforced disappearances of Sherlyn Cadapan, Karen Empaco, Manuel Merino, and Jonas Burgos in 2006–2007 following the publication of a report by the Commission on Human Rights and decision of the Supreme Court in 2011 suggesting that military personnel were responsible? Please provide the Committee with update information on any ongoing investigation or prosecution, and the outcome of any trial, including the rank of those prosecuted, the charges against them, and any sentences handed down;

51. Anent the alleged EDs of Sherlyn Cadapan, Karen Empeno and Manuel Merino, a case for violation of Article 267 of the RPC as amended by RA 7659 (Kidnapping/Serious

Illegal Detention) was filed against the alleged perpetrators. The case is now pending before the RTC, Branch 14, Malolos, Bulacan, docketed as C.C. No. 3906-M-2011.

52. With respect to the alleged ED of Jonas Burgos, a criminal case for arbitrary detention and obstruction of justice was filed against the alleged perpetrators based on the recommendation of the Commission on Human Rights (CHR). The case is currently undergoing preliminary investigation before the Department of Justice (DOJ) docketed as XVI-INV-11F-00224. On April 12, 2013, PNP-CIDG created a Special Investigation Team (SIT) Burgos as well as a new team of fulltime/dedicated and seasoned investigators composed of 3 Police Commissioned Officers from National Capital Region Criminal Investigation and Detection Unit (NCRCIDU), 3rd Regional Criminal Investigation and Detection Unit (3RCIDU) and Criminal Investigation and Detection Division (CIDD) of Criminal Investigation and Detection Group (CIDG). The Chief, CIDD supervises the said SITs and is also coordinating with the DOJ and CHR.

(g) Whether the State party intends to make public the results of the task force investigations into summary killings in Davao City in 2009 and, if so when;

53. The State Party seeks to address issues on extrajudicial killings, including the summary killings in Davao in 2009. However, in the interest of justice and to protect the rights and security of the parties involved, especially the victims and witnesses, and in keeping with the *sub judice* rule, it is deemed necessary to withhold all information from the public until there is a final judgment from the court

(h) The status of any investigation into the alleged disappearance of Ambrosio Derejeno, who was last seen in the custody of members of a State-sponsored militia, in Samar province in January 2011. Please indicate if the State party intends to repeal Executive Order No. 54-16, which directs the police to support the military in counter-insurgency operations, including through the use of militias.

54. Anent the alleged ED of Ambrosio Derejeno, a case for violation of Article 267 of the RPC as amended by RA 7659 (Kidnapping/Serious Illegal Detention) was filed against the alleged perpetrators. The case is currently pending before the RTC, Branch 20, Catarman, Northern Samar, docketed as C.C. No. 5103.

55. On Executive Order 546 (and not 5446), President Aquino has consistently taken a strong stand against private armies and ordered the PNP and the AFP to exhaust all efforts to dismantle private armies. On August 4, 2010, a Joint Letter Directive 05-2010 (AFP-PNP Joint Campaign to Dismantle Private Armies) was signed by the AFP and PNP Chiefs to prescribe policies, guidelines and procedures to be undertaken in the dismantling of private armies.

Further to the Committee's previous concluding observations (para. 9), please describe measures taken to fight impunity for disappearances, torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement or military personnel. Please provide detailed data on investigations, prosecutions and convictions for torture and ill-treatment and on the penal or disciplinary sanctions applied, if any.

56. The State Party would welcome receiving specific information in order for its competent authorities to verify and validate the specific allegations, and not just general allegation, of existence of impunity, enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement or military personnel.

57. Nevertheless, some of the measures to address issues on disappearance, torture and other cruel, inhuman or degrading treatment or punishment are as follows:

(a) Enactment of the following legislative measures, such as: the Anti-Torture Law (RA 9745), Anti-Enforced or Involuntary Disappearance Act (RA 10353), with corresponding Implementing Rules and Regulations; and

(b) Issuance of Administrative Order No. 35, creating an Inter-Agency Committee on extra-legal killings, enforced disappearances, torture and other grave human rights violations.

58. Under the Anti-Torture Law and its IRR, the PNP, National Bureau of Investigation (NBI), AFP and other investigative bodies such as the Philippine Drug Enforcement Agency (PDEA), are mandated to conduct prompt and impartial investigation, which shall mean submission of the investigation report for a period not exceeding sixty (60) working days from the time a complaint for torture is filed.

59. Furthermore, under RA 9745, the DOJ is given a period of sixty (60) working days from receipt of complaint to resolve the case.

60. In order to facilitate the resolution of the alleged cases of ED, torture and other human rights violations, the PNP has taken various measures to enhance the investigative capabilities of PNP personnel which include:

(a) Systems and Procedures

(i) Created Task Force USIG on May 13, 2006 to strengthen the coordination of concerned PNP offices/units in the investigation, prosecution and monitoring of cases of media practitioners and militants/activists who were killed due to their work-related activities or affiliation and political activities;

(ii) Published and distributed Handbook on Personal Security Measures for Media Practitioners;

(iii) Placement of Reward Money, Creation of Posters and Organization of Tracker Teams;

(iv) The PNP has formulated new and amended existing policies, procedures and guidelines to enhance the capacity and effectiveness of its personnel in the conduct of investigation, to wit:

- Standard Operating Procedure (SOP) in the Investigation of Heinous and Sensational Cases dated November 12, 2012;
- SOP for the Conduct of Case Review dated June 28, 2012;
- Mandatory Conduct of Digital Forensic Examination on the Recovered Cellular Phones, Computers, Digital Storage Media and other Electronic Digital Storage Devices in All Cases Handled dated June 13, 2012;
- Mandatory Conduct of all Applicable and Available Forensic Examination on the Collected Evidence by Scene of the Crime Operatives (SOCO) Team in All Cases Handled by Special Investigation Task Group (SITG) dated May 22, 2012;
- Template for Questions and Answers Sworn Statement for Murder Homicide Case dated May 16, 2012;
- Guidelines in Gathering Information from Witnesses dated March 26, 2012;
- Required Data in All Facial Composite Illustrations dated January 24, 2012;
- Factors to be Considered in Determining Enforced or Involuntary Disappearance (EID) Cases dated January 18, 2012;

- Letter of Instruction (LOI) 01/11 [Conduct nationwide training on Criminal Investigation Course (CIC) to elevate investigative standards of the organization];
- SOP on the Conduct of Crime Scene Investigation;
- Standard Operating # 02/11 Procedures in the Creation & Activation of SITG to Handle Heinous and Sensational Crimes;
- Mandatory Examination of All Firearms, Shells and Slugs Recovered during Police Operations;
- LOI 02-2011 (Procedure for Collection of Tenprints of All Booked Suspects at Police Stations Nationwide;
- Guidelines on the Accountability of the Immediate Officer for the Involvement of His Subordinates in Criminal Offences and the Implementation of 3-Strike Policy; and
- SOP on Booking of Arrested Suspects.

(v) Reviewed TF USIG cases nationwide that served as device to identify and discuss the lapses and shortcomings of investigators in their actual crime investigation and crime scene processing in murder and abduction cases against militants/activists and media practitioners; and

(vi) Published and printed the following manuals, with the aid of the European Community through the European Union-Philippines Justice Support (EPJUST) Program, as reference materials for investigators and case managers in the investigation of high profile crimes:

- PNP Field Manual on Investigation of Crimes of Violence;
- Revised Investigation Manual and Curriculum to include the Standard Training Package; and
- Pre-Charged Evaluation and Summary Hearing Guide Manual.

(b) Human Resource Development

(i) Conducted a Ten (10) day Instructors Development Course for the PNP Human Rights Desk Officer on March 19–30, 2012 at the Amphitheater, 3rd Floor, Law Enforcement Center, PNP Training Service, Camp Crame, Quezon City;

(ii) Started the Conduct of Clustered Training for Human Rights on April 17–19, 2012 and April 24–26, 2012 in La Union and Baguio City;

(iii) Conducted lectures on Human Rights in the Police Context from February to March 20, 2012;

(iv) Distributed a total of 2,000 copies of the PNP-Human Rights Desk Operations Manual, 21,020 Pocket cards-Miranda warning, 8,000 Stickers on Basic Rules on Law Enforcement, 10,150 posters on the rights of person arrested, detained and under custodial investigation;

(v) Distributed a total of 3,500 copies of "Know Your Rights: A Citizen's Primer on Law Enforcement", 3,000 copies of Guidebook on Human Rights-Based Policing and 1,153 copies of the PNP Human Rights Desk Operations Manual;

(vi) Conducted Seminar-workshops on Personal Security Measures designed to educate media practitioners to effectively protect themselves and their families against criminality and other forms of threats and danger; and

(vii) Conducted trainings on criminal investigation and crime intelligence, with the aid of the European Community through the EPJUST Program, designed for investigators, intelligence operatives, SOCO and case managers particularly:

- Exchange Program of SOCO personnel who were sent to the Crime Scene Unit of Frankfurt Police, Germany, and the Swedish National Laboratory of Forensic Science in Linkoping, Sweden, which allowed investigators from the PNP, NBI and CHR to visit police facilities and forensic laboratories in Germany and Sweden, with the purpose of introducing the participants to European methods and standards of crime scene processing, evidence collection and handling, as well as sharing their experiences with their European counterparts;
- Trainings on Crime Scene Investigation with Blood Stain Interpretation for SOCO personnel;
- Seminar-Workshop on Management of Criminal Investigation for case managers aims to enhance the capacity of the PNP in the effective and timely investigation, bringing perpetrators on violent crimes and enforced disappearances or abduction cases to justice, and ensure a fair, speedy and impartial trial of those charged with these violent crimes;
- Training on Crime Intelligence Operational Analysis (OPAN) and Crime Intelligence Database; and, iBase and Analyst Notebook for Crime Intelligence. The training programs are useful in the investigation of high profile crimes particularly in tracking and associating activities of criminal offender/s to the crime incident, sequential mapping of events on crime incidents, and possible establishment of offender/s linkage to other crime suspect/s;
- Training of Trainers for Criminal Investigation Course;
- Trainings on Criminal Investigation for TF USIG investigators;
- Training of Police Commissioned Officers on Pre-charged Evaluation and Summary Hearing in the enhancement of the PNP Internal Disciplinary Machinery against erring PNP personnel; and
- Training of Police Detective.

(c) Infrastructure Development

(i) Launched e-Warrant and e-Rogues Gallery systems on March 5, 2012 in order to help the investigators and the victims identify the perpetrators and determine whether the suspect has a standing warrant of arrest;

(ii) Launched E-Blotter system or the Crime Incident Reporting System (CIRS) in order to have a computerized recording of crime incident that is easily accessible;

(iii) Launched Integrated Ballistics Identification System (IBIS) at Crime Laboratory to speed up the analysis of weapons used in the commission of crimes; and,

(iv) Acquired the following equipment from the EPJUST Program, useful in the investigation of high profile crimes:

- Crime Scene Kits; and
- Information Technology Equipment and Software for Crime Intelligence to the PNP.

61. Moreover, the PNP is continuously and closely working with the community because incidents of alleged ED and torture oftentimes remain unsolved due to refusal of the victims and/or their relatives to cooperate with law enforcement agencies, hampering

the collection of evidence to convict in a court of law the alleged perpetrator of the crime, including, as warranted by evidence, law enforcement or military personnel.

62. The State Party is guided by the Rules on Evidence. To find the accused guilty as charged, proof beyond reasonable doubt is needed to convict him/her in a criminal case and substantial evidence to find him/her guilty in an administrative case. Otherwise, the constitutional and basic right of the accused to due process will be violated.

In the light of the Committee's previous concluding observations (para. 12), please provide updated information on measures taken to address the practice of arrests without warrants and lengthy pretrial detention by PNP and AFP, especially by reducing the duration of detention before charges are brought reducing the duration of pretrial detention and developing alternatives to deprivation of liberty.

63. Any PNP personnel who may have been found guilty of arresting a person without any legal basis will be criminally, civilly and administratively liable.

64. Aside from criminal and civil liability under Philippine laws, military personnel may be made liable for cases that may be filed against them under the AFP's Articles of War. Under Article of War No. 70, erring personnel are restricted/confined to barracks pending investigation of the concerned unit/command, preparatory to the conduct of General Court Martial proceedings and/or administrative proceedings. This is consonant to the military justice system in the AFP. Under the military justice system, a formal investigation is immediately conducted upon discovery and knowledge of the offense. After investigation, the matter is then referred to a pre-trial investigation before a Pre-Trial Investigation Officer (PTIO), preparatory to the conduct of court-martial proceedings and/or administrative proceedings to determine any culpability and the penalty to be imposed, if any. This is a requirement of due process of law, and the investigation would be dependent on the gravity of the case, which therefore depends on the existence of documentary and object evidence and the number of witnesses to the said offense. In the meantime, the erring personnel may be attached and unassigned to a particular AFP unit/command to make him available for investigation and eventual trial if required, and to allow him to gather evidence and prepare for his defense against the charges.

65. Pursuant to the AFP's Internal Peace and Security Plan "Bayanihan", the AFP, through the AFP Human Rights Office, conducts regular advocacy training and campaign to educate and inculcate to military personnel the pertinent rules and laws on human rights, including the rules on arrest and the rights of persons arrested, detained or undergoing custodial investigation under RA 7438. The said law also provides the obligations of the arresting, detaining and investigating officers.

66. BJMP paralegal officers and volunteers actively facilitated the release of inmates by helping them avail of applicable legal modes of early releases and reduce duration of detention. This helps address congestions in correctional facilities.

67. The Supreme Court, through the following measures, such as the Enhanced Justice On Wheels Program (EJOW) program, court-annexed mediation and dispute resolution, and the issuance of new rules (such as the mentioned pilot-testing of the new guidelines for litigation to expedite the resolution of civil and criminal cases, and the recently adopted Judicial Affidavit Rule) seeks to hasten trial proceedings and release of detainees in appropriate cases, if warranted.

68. Moreover, the following are some measures being employed to reduce overcrowding of the prisons including jail facilities under existing laws, such as: RA 6036 (Release on Recognizance); RA 6127 amending Article 29 of the Revised Penal Code (Full-time Credit and Without Waiver of Detention); EO 214 of 1987 amending Article 29 of the Revised Penal Code (Preventive Imprisonment); PD 968 (Parole and Probation); and RA 9344

(Juvenile Justice Welfare Act). These measures are in addition to the usual mode of freeing inmates from detention, such as: Released on Bail; Case Dismissed/ Acquitted/ Provisional Dismissal; Served Sentence; Transferred to Other Institutions; and Good Conduct Time Allowance.

69. By the end of June 2012, some 12,336 inmates were released from detention on the strength of measures and mechanisms mentioned above. During the month of July 2012 alone, 2,563 were released. The total number of inmates released during the past year (2011) was 17,408.

70. House Bill 5395, entitled "The Recognizance Act of 2011," which is pending in Congress seeks to widen the application of recognizance as a mode for early release of prisoners.

71. The BJMP has also proposed a bill on alternative to imprisonment based on generally accepted principles and good practices such as those laid down in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), adopted by General Assembly resolution 45/110 of 14 December 1990.

72. Under Sec 5, Rule 113 of the Rules of Court, a person may be lawfully without a warrant of arrest in any of the circumstances, to quote:

"Sec 5 – Arrest without a warrant; when lawful

A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts and circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or as escaped while being transferred from one confinement to another."

Pursuant to the Committee's previous concluding observations (para. 25), please provide update information on:

(a) The measures taken to prevent, combat and punish violence against women including domestic violence. In this respect, please indicate if such violence is criminalized;

73. The State Party has passed a number of laws that address violence against women, as follows:

(a) On May 26, 2003, the Anti Trafficking Law (RA 9208) was enacted, instituting policies to eliminate and punish human trafficking, especially in women and children and establishing the necessary institutional mechanisms for the protection and support of trafficked persons;

(b) On March 8, 2004, the Anti-Violence against Women and their Children Act (RA 9262), which defines acts constituting "violence against women," and prescribing penalties therefore, was enacted. It also provides for protective measures and safeguards for survivor-victims through the establishment of an Inter-Agency Council on Violence against Women and their Children;

(c) On April 28, 2006, the Juvenile Justice and Welfare Act (RA 9344) was enacted. This instrument provides for restorative justice to be incorporated into all laws, policies and programmes applicable to children in conflict with the law;

(d) DILG Memorandum Circular No. 2012-120 was issued enjoining all local government units (cities, municipalities and barangays) to appropriate in the LGU Annual Budget one percent (1%) of its internal revenue allotment (IRA) as required by RA 9344 (Section 15) for the strengthening and implementation of programs, projects and activities of their respective Local Councils for the Protection of Children (LCPC);

(e) In August 2009, the Magna Carta of Women (RA 9710), a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfillment and promotion of the rights of Filipino women, especially those in the marginalized sectors of society, was enacted.

74. The State Party also enacted RA 7877 or the Sexual Harassment Law and the RA 8353 or the Anti-Rape Law.

75. Mechanisms to implement, monitor and oversee implementation are provided by these laws, and government agencies have been tasked to provide the required services to victims, such as psychosocial care, medical, police assistance and prosecution. Among these are the Inter-Agency Council on Violence against Women and their Children (IACVAWC), which was created by virtue of the Anti-VAWC Law, and the Inter-Agency Council against Trafficking (IACAT), which was created through the Anti-Trafficking in Persons Act. These councils cascade to the regional, provincial and municipal level as combined Regional IACAT-VAWC councils and Local Committee on Anti Trafficking and Violence Against Women (LCAT-VAWC), whose tasks are to coordinate and oversee the implementation of the laws at the local level.

76. The Department of the Interior and Local Government (DILG) also issued the Joint Memorandum Circular No. 2010-01 re Establishment of Local Committees on Anti-Trafficking and Violence Against Women and Their Children (LCAT-VAWC) per RA 9208 or Anti-Trafficking in Person Act of 2003 and RA 9262 or Anti-Violence Against Women and Their Children Act. The purposes of creating LCAT-VAWC at the provincial, city and municipal levels are to:

(a) Establish functional parallel structure and system at the local level which will monitor and oversee implementation of the provisions of RA 9208 and RA 9262 and other women/VAW-related laws and policies;

(b) Increase the capacities of local partners in developing and implementing culturally appropriate and gender responsive policies and programs;

(c) Empower and mobilize resources of the local community in the prevention, protection, recovery and reintegration of victims/survivors; and

(d) Establish partnership and participation of non-government organizations (NGOs) and people's organizations (POs) in the development and implementation of programs and activities that will address human trafficking and VAWC.

77. The PNP also created a Women and Children Protection Center (WCPC) with the following functions:

(a) Oversee, direct and supervise the operation of WCPC and Women and Children Protection Desks in all levels of the organization for the conduct of investigation, legal and judicial processes of addressing violence against women and children and filing of cases in court for the purpose of servicing the ends of justice for the victims;

(b) Formulate relevant training programs for the PNP personnel handling cases and rendering services for women and children;

(c) Formulate policy guidelines on crime prevention geared towards eliminating victimization of women and children and gender sensitivity development of personnel;

(d) Supervise and monitor the implementation of pertinent laws on violation against women and children victims;

(e) Conduct monitoring activities for victims including juvenile offenders for the purpose of extending necessary assistance to women and children in need of special protection

(f) Establish and maintain linkages with different agencies and NGOs for protection of personnel handling cases for women and children and services for the victim;

(g) Represent the PNP in regular connections of the United Nations and maintain linkages with counterparts abroad; and

(h) Perform other duties as directed by higher authority.

(b) The measures taken to ensure effective implementation of the Magna Carta of Women Republic Act No. 9710;

78. The IRR of the Magna Carta of Women (RA 9710) was approved in March 30, 2010. Section 12 of the IRR provides for the right of women for protection from violence.

79. The 2012–2016 implementation plan of the Magna Carta of Women is called the "Women's Empowerment and Development towards Gender Equality" Plan or the WEDGE Plan and a participatory process and a human rights-based approach is used in its formulation. The WEDGE Plan is the companion plan to the Philippine Development Plan covering the five key result areas mentioned in the Opening Statement, it is due for completion middle of this year.

80. Aside from the creation of village level Violence Against Women desks, "Gender and Development Focal Points" are being established and strengthened at the national and local levels, including foreign service posts, to accelerate gender mainstreaming in policies and programs and improve gender budgeting.

81. The Magna Carta of Women is being popularized through information caravans, radio programs, and employing social networking. It has also been translated in local languages.

82. With this law, many working women have also availed of the special 60-day leave for surgery due to gynecological disorders.

83. The Magna Carta of Women has also provided for the review of some of the laws of the State Party. Night work for women is now allowed. Awaiting enactment are the bill equalizing penalties for men and women committing sexual infidelity, the bill amending the anti-rape act, and amendments to the Family Code, among others.

84. The DILG also implemented Joint Memorandum Circular No. 2013-01 re: Guidelines on the Localization of Magna Carta of Women. The purpose of the JMC among others is to prescribe policies and procedures in mainstreaming gender perspective in local planning, programming and budgeting; local legislation; project development, implementation, monitoring and evaluation pursuant to RA 9710.

85. The State Party appreciates the support of Spain for a three-year project on strengthening the implementation, monitoring and evaluation of the Magna Carta of Women. This capacity-building project will strengthen and replicate local and national

convergence models of support and services for women's economic empowerment and social rights, which are being piloted with support from Canada and the United Nations.

(c) Statistical data on complaints relating to violence against women, including rape and sexual harassment, and on the related investigations, prosecutions and penal sanctions as well as on any compensation provided to victims;

86. In 2012 the number of alleged VAW cases reported to the PNP increased by 23.3 percent from 2011 based on collated data by the PNP-Women and Children Protection Center.

Table 1
Annual Comparative Statistics on Violence against Women – 2004–2012

Reported Cases	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*
Rape	997	927	659	837	811	770	1,042	832	1,030
Incestuous Rape	38	46	26	22	28	27	19	23	33
Attempted Rape	194	148	185	147	204	167	268	201	256
Acts of Lasciviousness	580	536	382	358	445	485	745	625	721
Physical Injuries	3,553	2,335	1,892	1,505	1,307	1,498	2,018	1,588	1,744
Sexual Harassment	53	37	38	46	18	54	83	63	41
RA 9262	218	924	1,269	2,387	3,599	5,285	9,974	9,021	11,531
Threats	319	223	199	182	220	208	374	213	240
Seduction	62	19	29	30	19	19	25	15	10
Concubinage	121	102	93	109	109	99	158	128	146
RA 9208	17	11	16	24	34	152	190	62	41
Abduction/ Kidnapping	29	16	34	23	28	18	25	22	20
Unjust Vexation	90	50	59	59	83	703	183	155	156
Total	**6,271**	**5,374**	**4,881**	**5,729**	**6,905**	**9,485**	**15,104**	**12,948**	**15,969**

Source: Philippine National Police – Women and Children Protection Center (WCPC), 2013.

87. Across a 9-year period from 2004 to 2012, the average number of alleged violations of RA 9262 (Anti Violence Against Women and Children Act) ranked first at 53.5 percent among the different VAW categories, that is, from 218 cases in 2004 to 11,531 cases in 2012. Continuous information campaign on the law and its strict implementation may have caused the appropriate categorization of the VAW resulting in the increase in the reported alleged cases of VAW law violations.

88. Since 2004, wife-battering cases are categorized under 'Violation of RA 9262', that is, if the victim files a case under such law, otherwise the reported cases will fall under physical injuries category. Physical injury is the second most prevalent case across the 9-year period, accounting for 21.1 percent of all reported VAW cases nationwide. Reported incidence of physical injury decreased in the latter years. Its peak was in 2001 at 5,668 reported cases. The decrease could be partly attributed to the enactment into law of RA 9262 or Anti-VAWC Act of 2004, which penalizes abusive husbands and live-in partners. However, in 2009 and 2010 the reported cases show an increasing trend but it slid back in 2011 and increased a little in 2012.

89. Reported rape cases, which ranked third, accounted for about 9.6 percent of total reported VAW cases from 2004 to 2012.

90. Acts of lasciviousness ranked fourth at an average of 721 reported cases, accounting for 5.9 percent of all reported VAW cases from 2004 to 2012. The comparative figures indicate an upward trend of the reported cases after a record low of 358 reported cases in 2007.

91. Recognizing this condition, the State Party continues to initiate programs and projects to eliminate VAW. Frontline service providers on violence against women, which include the Departments of Interior and Local Government, Social Welfare, Education, and Health together with the PCW have developed guidelines and tools to eliminate VAW and to further improve services on VAW at the village level. These include the *Guidelines in the Establishment and Management of a Referral System on Violence against Women and Children at the Local Government Unit Level* and the *Barangay VAW Desk Handbook*. The Performance Standards and Assessment Tools for Services Addressing VAW in the Philippines were developed for social workers, police, health workers, prosecutors and local officials to ensure gender-responsive handling of VAW cases. Pursuant to DILG-DSWD-DEPED-DOH-PCW Joint Memorandum Circular No 2010-2 or the Guidelines in the Establishment Against Women (VAW) Desk in Every Barangay, 30,424 or over 70% VAW Desks at the barangay level were established by December 2012. The Philippine National Police reports that 1,913Women and Children Protection Desks (WCPDs) have been established throughout the country, handled by 3,288 desk officers, almost all (99%) of whom are women police officers. The WCPDs were established under the supervision of the PNP Women and Children Protection Center (WCPC). To better prepare them for their tasks, the PNP continues to build the capacities of police officers assigned to women and children's desk, on gender sensitivity and basic investigation skills in handling crimes against women and children.

92. Furthermore, the development of the National VAW Documentation System, a secure web-based documentation system that facilitates and integrates the collection of standardized data on violence against women from concerned government agencies, local government units and other service providers handling VAW cases is a pioneering effort. It aims to generate reports on the magnitude of VAW incidents, remove double counting of data and track cases of services given to VAW victims. It was pilot-tested by the Philippine Commission on Women (PCW) from 2010 to 2011 in 10 cities and provinces and is currently being piloted in the entire province of Aklan.

93. The Department of Social Welfare and Development (DSWD) also developed a Manual on Gender-Responsive Case Management, a quick-reference handbook for social workers who deal with Violence against Women and Children (VAWC) cases. Use of the Manual enhanced the capacity of selected members of the Inter-Agency Councils against Trafficking and VAWC in six regions of the country through the conduct of Training on Community-Based Rehabilitation Program for Perpetrators of Domestic Violence.

94. The Philippine Council for Women (PCW) also helped organize the Men Opposed to VAW Everywhere (MOVE), an organization of men who committed to actively involve themselves in the elimination of VAW and to speak out against it. MOVE also commits to examine, propose and formulate total male involvement and actions in the elimination of VAW, form partnerships and linkages with similar groups working on VAW, locally and internationally, organize and conduct researches, studies and fora in recognition of the social effects of VAW, for policy and program development, and establish a resource network on VAW. As of 2013, MOVE has 29 chapters all over the Philippines, including in key government departments and local government units.

(d) Data on the number of victims of such acts who have received protection, including access to medical, social and legal services and temporary accommodation, and the specific form of protection they received.

95. The State Party, through the DSWD maintains facilities for victim-survivors of violence against women and girls accessible in different regions of the country, as follows:

(a) **Haven** – is Substitute Home Care for Women that provide direct interventions to women victims of gender-based violence or those vulnerable to abuse and exploitation whose ages are from 18–59 years old, who need protective service as well as other services that will promote healing and recover.

(b) **Marillac Hills (also known as National Training School for Girls)** – a child caring facility that provide care and rehabilitation to female children in conflict with the law, abused and exploited girls below 18 years old.

(c) **Home/Center for Girls** – a child-caring facility that provides protection, care, treatment and rehabilitation services to abused and exploited girls below 18 years old.

96. **Protective Services** are day-to-day services provided by the DSWD which respond to needs of the victims of violence particularly women and girls. Protective services are categorized into center-based and community based.

Center-based services

97. The protective services being provided in the above-mentioned facilities are as follows:

(a) **Treatment and Rehabilitation Program** – it is the facilitation of the restoration, healing and recovery of victim-survivors from trauma of neglect and other forms of abuse and exploitation through the provision of emergency shelter and basic needs, psycho-social counseling, and other protective services.

(b) **Health and Nutrition Program** – it is the provision of medical health and nutrition services to victim-survivors to help them become healthy and productive. The services under this program include: physical and mental examinations, medical/dental care, psychological and psychiatric evaluation and treatment, hospital confinement when necessary and referrals.

(c) **Productivity Skills Training Program** – it is the provision of basic training services to victim-survivors based on his/her needs and capability in preparation for future economic independence and gainful employment through relevant skills training and other livelihood development services.

(d) **Social Services** – these are interventions that seek to restore/develop the social functioning of victim-survivors from the time they are admitted to the time of discharge in the center to prepare them for family reunification and community reintegration.

(e) **Home Life Services** – it is the provision of basic needs of victim-survivors such as food, clothing and shelter, and the development of values and social skills.

(f) **Health Services** – it is the provision of medical and dental services as well as psychological/psychiatric assessment and evaluation and special dietary care.

(g) **Legal Service** – it is the provision of support to victim-survivors needing legal assistance through coordination and referral to other government agencies, private individuals, and groups providing legal services to enable them to file a case in court and have aid throughout the litigation.

(h) **Recreational and Other Cultural Activities** – these are activities that promote the physical, mental, social and cultural well-being of victim-survivors of violence.

(i) **Faith and Spiritual Enrichment** – it is the provision of activities which enrich the moral and spiritual life of victim-survivors.

Community-based services

98. These are programs and services that involve the active participation of the community where they live, as follows:

(a) Quick Response Team (QRT) through the Crisis Intervention Unit – provision of emergency services on a 24-hour basis which include temporary shelter, counseling, psychotherapy for those severely traumatized, protective custody, immediate medical assistance, legal assistance and other support services.

(b) Child Care and Placement – provision of alternative care to girl children in especially difficult circumstances whose parents are unable to provide for their basic needs.

(c) After Care – interventions, approaches and strategies aimed at ensuring effective reintegration of victim-survivors.

99. The State Party also maintains Rape Crisis Centers. The Rape Crisis Center is a one-stop-shop facility where services of doctors, police officers, prosecutors and social workers can be availed. This set-up is intended to avoid re-victimization of clients especially in data gathering as the victims need not repeat the story to different service providers involved in the management of the case.

100. The Center facilitates provide a more holistic response to rape cases as well as comprehensive programs and services for the healing, recovery and reintegration of rape victim-survivors and their families.

101. Rape Crisis Centers are located in Region VII at the DSWD Home for Girls (and the Vicente Sotto Memorial Hospital is a partner hospital), and in Region XI at the DSWD Group Home for Girls and at the Reception Study and Diagnostic Center in the Municipality of Mati, Davao Oriental. The establishment of centers in aforementioned regions resulted to the drafting of a Manual of Operation for Rape Crisis Center for the replication of the facility in all other regions.

102. Table 2 below shows the data on Child Abuse and on Women in Especially Difficult Circumstances (WEDC) served through center-based and community-based services:

Table 2
Number of Child Abuse and WEDC Cases Served by the DSWD (Center-Based and Community Based)

	2013 (January to September)			*2012*		
	Children			*Children*		
Case Category	*Male*	*Female*	*WEDC*	*Male*	*Female*	*WEDC*
Sexually-Abused	9	1,026	150	11	1,367	182
Rape	8	544	94	7	772	127
Incest	1	433	54	3	498	47
Acts of Lasciviousness	0	49	2	1	97	8
Victims of Prostitution	2	26	84	1	18	69
Physically-Abused/Maltreated	175	197	521	212	231	744
Victims of Illegal Recruitment	9	12	56	20	48	247
Victims of Trafficking	76	396	743	67	462	967

	2013 (January to September)			2012		
	Children			Children		
Case Category	Male	Female	WEDC	Male	Female	WEDC
Victims of Armed Conflict	63	56	1	28	31	249
Others	2	13	2,666	8	18	2,477
Total	**745**	**2,752**	**4,221**	**358**	**2,175**	**4,935**

103. Regarding the statistical data on prosecutions, convictions, sanctions and remedies provided with respect to violence against women, per records of the Statistical Reports Division (SRD), OCA, Supreme Court, are the number cases filed and disposed per year which involves violence against women, in 2011, 7,066 new cases involving violence against women were filed in the lower courts, while 3768 were decided/resolved.

In the light of the Committee's previous concluding observations (para. 18) and the letter sent by the Committee's Rapporteur for follow-up, please provide updated information on the measures taken to prevent sexual violence in detention, particularly:

(a) The number of complaints of sexual abuse in custody received, whether any resulted in prosecuted, the title of any official prosecuted, the sentence in any prosecution that resulted in conviction and any redness provided to victims;

104. The BJMP received one (1) complaint of sexual abuse of a male inmate from year 2007 to August 2013 whereby one officer designated as Warden with the rank of Jail Inspector was charged and subsequently penalized with six months suspension from work.

105. Data from the Directorate for Investigation and Prosecution of the BJMP shows the following:

Table 3
Data of Cases Investigated on Inhumane Treatment of Inmates

Year	No. of Personnel Investigated	No. of Personnel Charged	No of Personnel Convicted	Penalty Imposed
2013	10	2	Cases pending	NA
2012	3	3	1	6 months suspension
2011	6	0	0	NA
2010	3	0	0	NA
2009	4	1		
2008	7	0	0	NA
2007	1	0	0	NA

106. Relating to the measures taken to prevent violence against women, the BJMP adheres to its existing policy as stipulated in the BJMP Manual under Rule III thereof:

"Section 2 Handling inmates with special needs – The following guidelines shall be observed in the handling of inmates with special needs:

(a) Female

(1) The female quarters should be fully separated from the male quarters;

(2) In larger jails, a female personnel may be designated to keep the keys to the female quarters and make the same available at any time;

(3) No male inmate shall be allowed to enter the female quarters; and

(4) Only work suitable to their age and physical condition should be assigned to female inmates."

107. On the other hand, the Bureau of Correction adheres to Sections 2 to 9, Chapter 2, Part IV (Discipline and Punishment of Inmates) of the Operating Manual of the Bureau of Corrections.

(b) The measures taken to inform the public and particularly women and children of the function of Women's and Children's Protection Desks (WCPDs, CAT/C/PHL/CO/2/Add. 1, para. 57) and to expand the number of WCPDs and increase the number of police officers assigned to them. Please provide the number of claims of abuse received, disaggregated by geographic location and name of abuse, and indicate whether WCPD personnel are permitted to receive and investigate complaints;

108. The PNP through its Women and Children Protection Divisions (WCPDs) Nationwide conducts public information campaign including trainings on violence against women issues through:

(a) Dialogues/pulong-pulong in their respective area of responsibility every week participated in by NGOs, LGUs and other concerned sectors;

(b) Training, lectures, seminars on laws protecting women and children participated in by NGOs, LGUs and other concerned sectors;

(c) Distribution of posters, leaflets and other public awareness materials concerning laws of women and children updates;

(d) Lectures and seminars to elementary and high school students;

(e) Coordination with various law enforcement agencies and other government agencies, government organizations and private individuals who conduct relentless and effective campaign and advocacy against all forms of violence against women and children in the province; and

(f) Establishing linkages and ties with various NGOs concerned with PNP.

109. To safeguard the safety and well-being of female prisoners, and to deter abuse on their persons, Senate Bill No. 1649 "An Act Ensuring the Security of Women Confined in District, City and Municipal Jails by Requiring Separate Detention Facilities for Women Prisoners" was filed in September 2013. The bill seeks to amend RA 6975 (Department of the Interior and Local Government Act of 1990) by mandating all district, city, and municipal jails to maintain separate detention facilities for male and female.

110. As part of efforts to address alleged sexual abuse in prison, Senate Bill No. 3110, An Act to Provide for the Analysis of the Incidence and Effects of Prison Rape and to Provide Information, Resources, Recommendations, Funding and Punishment to Protect Individuals from Prison Rape was filed during the 15th Congress.

(c) The current status of the Prison Rape Elimination Act (para. 18).

111. Senate Bill No. 3110, "An Act to Provide Analysis of the Incidence and Effects of Prison Rape and to Provide Information, Resources, Recommendations, Funding and Punishment to Protect Individual from Prison Rape" or The Prison Rape Elimination Act is still pending in Congress.

In the light of the Committee's previous concluding observations (para. 26), please provide information on the measures taken to implement the current laws combating trafficking in particular the Anti-Trafficking in Persons Act (RA 9208) and provide protection for victims and their access to medical, social rehabilitative and legal services, as appropriate. This information should include the number of trafficking cases reported to the police and other authorities, the number of resulting investigations and the status and findings of all such investigations, including any resulting penalties.

112. As mentioned above, the State Party through the DSWD operates facilities located in different regions of the country, which also caters for victim-survivors of trafficking.

113. Below is the data on victims of trafficking served through center-based and community-based services:

Table 4
Victims of Trafficking Served by the DWSD through center-based and community-based services

Victims of Trafficking – January to September 2013			
	Children		
Women	*Male*	*Female*	***Total***
743	64	100	**907**

114. The Inter-agency Committee on Anti-Trafficking (IACAT) developed the following policies and guidelines to enhance the investigation and prosecution of trafficking cases where trafficking in persons occur:

(a) Standard Operating Procedures for Task Forces Against Trafficking in Persons in International Airports;

(b) Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases;

(c) Model Local Ordinance against Trafficking in Persons;

(d) Manual on the Recovery and Reintegration of Victim-Survivors of Trafficking;

(e) Philippine Guidelines in Handling Trafficked Children;

(f) Manual on Labor Exploitation Dimension of Trafficking in Persons;

(g) Manual on Forced Labor; and,

(h) Handbook and Civil Forfeiture in Trafficking under the AMLA (Anti Money Laundering Act).

115. A total of 110 IACAT led successful prosecution, resulting in conviction of 130 traffickers were recorded as of October 9, 2013 – Other programs established by the Council such as the National Anti-Trafficking Task Force, Regional Task Force and groups stationed in ports of entry has increased the detection of potential trafficked victims and has helped in preventive efforts of the Council.

116. The IACAT has carried out programs for the capacity development of law enforcement officers (intelligent agents, immigration officers, police officers and even members of the marine corps), prosecutors, judges, social workers, labor officers, local government personnel, as well as members of non-government organizations and civil

service organizations, by organizing 104 trainings and seminars to strengthen anti-trafficking approaches and responses in their area of jurisdiction.

117. Republic Act 10364 amended the Anti-Trafficking in Persons Act by expanding the list of acts considered as promoting human trafficking to include: (a) destroying or tampering with evidence, (b) influencing witnesses in an investigation, and, (c) using public office to impede an investigation or execute lawful orders. Among the important provisions of the law is the conduct of pre-departure counseling services for Filipinos in intermarriages, to prevent women in intermarriages from being victimized by human trafficking in the guise of marriage. The new law also includes attempted trafficking as a crime punishable with imprisonment of 15 years and a fine of P 500,000 to P 1 million.

118. The Women and Children Complaints Desk of the National Police Commission also maintains a database on trafficking using the Guidelines for Improving Case Management and Initiating Efforts towards addressing the Problem of Trafficking in Persons. The guidelines aim to provide accurate and relevant data on cases of violence against women, making possible the monitoring, documentation, and systematic evaluation of statistical data generated at the local level.

119. A National Referral System (NRS) for the Recovery and Reintegration of Trafficked Persons has been established and complemented by the Guidelines on a Referral System on the Recovery and Reintegration of Trafficked Persons. A National Recovery and Reintegration Database (NRRD) has also been set in place.

120. The State Party also maintains residential facilities that provides programs and services for victim-survivors of trafficking. From January to September 2013, a total of 907 victim-survivors were served through center-based and community based services of which 743 are women and 100 are girl children.

121. The State Party's foreign service posts personnel offer assistance, in some cases even counseling, to trafficked victims and overseas Filipino workers. In 2010, an expansion of the training programs on anti-trafficking, VAWC and gender-sensitivity for Foreign Service Officers (FSO) assigned in countries with significant number of trafficking incidents was jointly undertaken by the Department of Justice (DOJ) with the Department of Foreign Affairs (DFA). Training for service providers including members of the DOJ Task Force against Trafficking, law enforcement officers of the PNP and operatives of the Anti-Human Trafficking Division of the National Bureau of Investigation (NBI) have been conducted to enhance their capability in conducting surveillance, rescuing trafficking victims and collecting and monitoring data of TIP cases.

122. To raise awareness on the issue and stop the occurrence of VAW, the State Party regularly conducts annual campaign to end VAW. In March 2013, RA 10398 or An Act Declaring November Twenty-Five of Every Year as "National Consciousness Day for the Elimination of Violence against Women and Children" was passed.

Article 3

With reference to the Committee's previous concluding observations (para. 14) please provide information on the measures taken to ensure that the State party fully implements article 3 of the Convention and, in particular, provides all procedural guarantees to and considers all elements of the case of non-citizens who claim they will face a risk of torture if expelled, returned or extracted to another State. Has Article 3 of the Convention been directly applied by the courts in any such cases?

123. Under the Anti-Torture Act, Section 32, on Applicability of Refouler, it is expressly stated that "no person shall be expelled, returned or extradited to another State where there are substantial grounds to believe that such person shall be in danger of being subjected to

torture. For the purposes of determining whether such grounds exist, the Secretary of the Department of Foreign Affairs (DFA) and the Secretary of the DOJ, in coordination with the Chairperson of the CHR, shall take into account all relevant considerations including, where applicable and not limited to, the existence in the requesting State of a consistent pattern of gross, flagrant or mass violations of human rights."

124. Corollary, under Section 32 of the IRR of the Anti-Torture Act, states that "no person shall be expelled, returned or extradited to another State where there are substantial grounds to believe that such person shall be in danger of being subjected to torture. For the purposes of determining whether such grounds exist, the Secretary of the Department of Foreign Affairs (DFA) and the Secretary of the DOJ, in coordination with the Chairperson of the CHR, shall take into account all relevant considerations including, where applicable and not limited to, the existence in the requesting State of a consistent pattern of gross, flagrant or mass violations of human rights."

125. Common provision in the Philippine extradition treaties is the refusal of extradition for an offense punishable by the death penalty in the Requesting State if the same offense is not punishable by the death penalty in the Requested State, unless the Requesting State gives assurances satisfactory to the Requested State that the death penalty will not be imposed or carried out.

126. Majority of the bilateral extradition treaties, particularly with Australia, Canada, HKSAR, Korea and Micronesia, provide as one of the discretionary grounds for refusal of a request for extradition the fact that "if the Requested State, while also taking into account the nature of the offence and the interests of the Requesting State, considers that, in the circumstances of the case, including the age, health or other personal circumstances of the person whose extradition is requested, the extradition of that person would be unjust, oppressive, incompatible with humanitarian considerations or too severe a punishment."

127. The State Party through the DOJ, as the central authority for extradition, has requested for an undertaking that no torture may be carried out against the extraditee upon his return and surrender to the Requesting State.

Has the State party relied on diplomatic assurances against torture in any case of expulsion, return or extradition during the reporting period, in particular under section 57 of the 2007 Human Security Act? If so, please provide detailed information on:

(a) The procedures in place for obtaining diplomatic assurances;

(b) Steps taken to establish a judicial mechanism for reviewing the sufficiency and appropriateness of diplomatic issuances in all relevant cases;

(c) Steps taken to guarantee effective post-return monitoring on managements;

(d) Details on all cases where diplomatic assurances have been provided, since the consideration of the previous report;

(e) Any cases in which the State party had reason to believe that a returned individual suffered torture on ill treatment in a receiving State, and information about actions taken by the State party in response.

128. Please see the discussion under Item 13 of this Article.

Please provide statistics, disaggregated by age, sex, and country of origin on the number of:

(a) Asylum applications registered;

(b) Applicants in detention;

(c) Applications whose application for asylum was accepted on grounds that they faced a risk of torture if returned to their country of origin; and

(d) Asylum applicants rejected and the countries to which the individuals concerned were returned or extradited.

129. From 1998 to December 31, 2012, there were 389 asylum applications registered in the Refugee and Stateless Person Protection Unit under the DOJ; 2 applicants in detention; 147 applicants approved on account of persecution, religion, political opinion, ethnicity and gender discrimination, including risk of torture and death if they returned to their country of origin; 63 applicants denied for lack of basis.

Articles 5 and 7

Please indicate whether the State party has rejected for any reason, any request for extradition by another State of an individual suspected of having committed torture, and has started prosecution proceedings as a result, since the consideration of the previous report. Please provide information on the status and outcome of any such proceedings.

130. Please see the discussion under Item 13 of Article 3.

Please provide information on any domestic legislation establishing universal jurisdiction over the offense of torture and examples of its application.

131. The following laws established universal jurisdiction over the offense of torture:

(a) RA 9745 or Anti-Torture Law of 2009;

(b) RA 9851 or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity

132. Both laws effectively criminalize the act of torture thereby serving as a deterrent and a punitive mechanism against perpetrators of torture and other human rights violations and infractions against international humanitarian law.

Article 10

In the light of the Committee's previous concluding observations (para. 20) and the State party's acceptance of the recommendations made in the course of the universal periodic review (A/HRC/8/28/Add.1, para. 2 (b), please provide detailed information on the human rights instruction and training provided for (CAT/PHL/CO/2/Add.1, paras. 10–12, 65–69):

(a) Persons involved in the custody, interrogation or treatment of persons under State or official control, including law enforcement and military personnel, with respect to the treatment of detainees, the absolute prohibition of torture, non-coercive investigatory techniques and gender-sensitivity;

133. The State Party, through the DOJ in coordination with the PNP, AFP and CHR and in partnership with non-government organizations, such as the Medical Action Group (MAG), civil society organization/human rights group, provide human rights instruction and training to prosecutors, law enforcement agent, military personnel and medical practitioners on effective investigation and documentation of alleged torture cases, among others. For the early part of 2013, the DOJ together with MAG conducted training program, entitled: "Enhancing the Capacities of Prosecutors and Law Enforcement Officers for Effective Investigation and Increased Prosecution of Torture Cases using Medical Evidence" in the National Capital Region, Baguio, Cebu, Cagayan de Oro, Zamboanga and Davao.

134. Since 2007, human rights with emphasis on anti-torture laws and policies have been part of mandatory and specialized training and education modules for police personnel.

135. Police operational procedures are also in place to ensure that police personnel do not commit any act of torture against any person under police custody. As previously stated under RA 9745, Section 12, before and after interrogation, every person arrested, detained or under custodial investigation shall have the right to be informed of his/her right to demand physical examination by an independent and competent doctor of his/her own choice. If such person cannot afford the services of his/her own doctor, he/she shall he provided by the State with a competent and independent doctor to conduct physical examination. The State shall endeavor to provide the victim with psychological evaluation if available under the circumstances.

136. The Philippine Public Safety College, the premier training school for PNP, BJMP and BFP, conducts mandatory training in human rights.

Table 5
Human Rights subject in the Program of Instruction – Philippine Public Safety College (PPSC)

Mandatory Course for Police	*Human Rights Subject*	*Duration*
Public Safety Officer Advance Course	Human Rights & International Humanitarian Law	8 hours
Public Safety Officers Basic Course	Human Rights & International Humanitarian Law	8 hours
Public Safety Officers Candidate Course	Human Rights in Emergency Situation and the Protected Persons in Internal Armed Conflict	12 hours
Public Safety Senior Leadership Course	Human Rights in Emergency Situations and the Protected Persons in Internal Armed Conflict	4 hours
Public Safety Junior Leadership Course	Human Rights with Emphasis on Basic Rights and the Rights of Special Sectors	4 hours
Public Safety Basic Recruit Course	Foundation of Human Rights	4 hours
Mandatory Course for Fire	*Human Rights Subject*	*Duration*
Fire Officers Advance Course	Human Rights with Emphasis on Basic Rights and the Rights of Special Sectors	8 hours
Fire Officers Basic Course	Human Rights and International Humanitarian Law	24 hours
Fire Officers Candidate Course	Human Rights in Emergency Situation and the Protected Persons in Internal Armed Conflict	8 hours
Fire Protection Supervisory Course	Human Rights with Emphasis on Basic Rights and the Rights of Special Sectors	16 hours
Fire Arson Investigation and Inspection Course	Human Rights with Emphasis on Basic Rights and the Rights of Special Sectors	8 hours
Fire Basic Recruit Course	Foundation Human Rights	8 hours

Mandatory Course for Jail	*Human Rights Subject*	*Duration*
Jail Officer's Advance Course	Human Rights and International Humanitarian Law	8 hours
Jail Officers Candidate Course	Human Rights in Emergency Situation and the Protected Persons in Internal Armed Conflict	10 hours
Public Safety Senior Leadership Course	Human Rights in Emergency Situation and the Protected Persons in Internal Armed Conflict	4 hours
Public Safety Junior Leadership Course	Human Rights with Emphasis on Basic Rights and the Rights of Special Sectors	8 hours
Public Safety Basic Recruit Course	Foundation of Human Rights	16 hours

Table 6

Jail National Training Institute – Integration of Torture and other forms of Inhuman and Degrading Treatment in the Mandatory Courses

Jail Mandatory Courses	*Topics Integration*	*Components*	*Objectives*
Jail Basic Recruit Court	Welfare and Development Program Proper Treatment of Inmates	Management of Behaviour Psychological Intellectual Spiritual Vocational Social	Capacity of the inmates to change and develop into a better person

Table 7

Memoranda and Issuances Integration in the Human Rights Subject

Memorandum	*Subject*	*Office Agency*	*Mandatory Course*	*Subjects*
Memo Order No. 20 dated July 4, 1986	Education of Arresting and Investigating Personal on Human Rights	Presidential Committee in Human Rights, Malacañang, Manila	Public Safety Basic Recruit Course Public Safety Junior Leadership Course	Fundamentals of Human Rights Human Rights with Emphasis on Basic Sectors and the Rights of the Special Sector
Memo Order No. 259 dated February 7, 1995	Requiring Human Rights Education and Training of Law Enforcement, Police, Military and Prison Personnel	Office of the President, Malacañang, Manila	All Mandatory Courses PPSC Human Resource and Development Personnel Public Safety Basic Recruit Course	Human Rights Training of PPSC Organic Personnel Fundamentals of Investigation Police Operational Procedure on Arresting and Investigation

Memorandum	*Subject*	*Office Agency*	*Mandatory Course*	*Subjects*
Executive Order No. 27dated July 4, 1986	Education to maximize respect for Human Rights Torture and other cruel and degrading treatment/ punishment of person arrested/detained	Presidential Committee in Human Rights, Malacañang, Manila	Public Safety Basic Recruit Course	The Bill of Rights The Philippine Constitution
			Jail Basic Recruit Course	Safekeeping and Custody
			Jail Public Safety Junior Leadership Course	Security and Custody Management
			Jail Public Safety Senior Leadership Course	Security, Control and Custody Management
Memo Order dated July 1, 1996	Strengthening the Memorandum of Agreement among the CHR, DOJ, DND and the DILG	Office of the Secretary, DILG	PPSC Plans and Programs	PPSC Master Plan and Program
Memorandum dated December 10, 1998	Integration of Peace and Human Rights concept in Trans ard Education Programs	Office of the President, Malacañang, Manila	PPSC Mandatory Courses for Police, Fire and Jail	Regional Training School
			PPSC Human Rights Resource Development Program	Masters Education and Training Program
				Concept of Peace and Human Rights
				Human Rights Training of Personnel

137. The BJMP continuously conducts trainings/seminars/symposia for custodial personnel charged with the treatment of persons deprived of Liberty and medical personnel involved with detainees, on the guidelines to detect signs of torture and ill treatment in accordance with international standards. In the first semester of 2013 alone, 59 custodial personnel received training on counseling and application of Therapeutic Community Modality Program, a key component of the Anti-torture strategy adopted by the BJMP. In 2012, another 35 medical personnel attended Emergency Medical Response Team Training including detection of signs of torture and ill treatment. Also, 21 personnel representing twenty jails and the Jail National Training Institute attended training by the Commission on Human Rights on Anti-Torture and Human Rights on October 10–13, 2011.

(b) Judges and prosecutors, particularly training on the specific obligations under the Convention;

138. The Philippine Judiciary Academy conducted three (3) National Workshops on the Role of Judges, Prosecutors and Public Defense Attorneys on the Prevention of Torture in 2002, and twenty-five (25) Multi-Sectoral and Skills-Building Workshops on Human Rights Issues: Extra-Legal Killings and Enforced Disappearances from 2007 to 2011.

(c) Medical personnel involved with detainees, on the guidelines to detect signs of torture and ill-treatment in accordance with international standards, such as those

outlined in the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

139. Crime Laboratory Medico-Legal Officers (MELOs) are the PNP personnel mandated to conduct physical examinations to arrested persons.

140. The Crime Laboratory MELO is duty-bound to conduct physical examinations and other medico-legal cases 24 hours every day. The Crime Laboratory has nine (9) MELOs at the National Headquarters, at least two (2) MELOs in all NCR District Offices, particularly: Eastern Police District Crime Laboratory Office (EPDCLO), Manila Police District Crime Laboratory Office (MPDCLO), Northern Police District Crime Laboratory Office (NPDCLO), Quezon City Police District Crime Laboratory Office (QCPDCLO) and Southern Police District Crime Laboratory Office (SPDCLO).

141. The Crime Laboratory has likewise designated MELO on all Regional Offices and has the capability to conduct physical examinations to arrested person/s within their respective territorial jurisdiction, which are specifically assigned as follows: Regional Crime Laboratory Office 1 (3 MELOs), Regional Crime Laboratory Office COR (1 MELO) Regional Crime Laboratory Office 2 (2 MELOs), Regional Crime Laboratory Office 3 (5 MELOs), Regional Crime Laboratory Office 4A (4 MELOs), Regional Crime Laboratory Office 4B (2 MELOs), Regional Crime Laboratory Office 5 (2 MELOs), Regional Crime Laboratory Office 6 (2 MELOs), Regional Crime Laboratory Office 7 (2 MELOs), Regional Crime Laboratory Office 8 (1 MELO), Regional Crime Laboratory Office 9 (1 MELO), Regional Crime Laboratory Office 10 (2 MELOs), Regional Crime Laboratory Office 11 (2 MELOs), Regional Crime Laboratory Office 12 (1 MELO), Regional Crime Laboratory Office 13 (2 MELO), and Regional Crime Laboratory Office ARMM (1 MELO).

142. Even though with such assignment of MELOs, the Crime Laboratory is having difficulties in performing the increasing request for physical examinations of arrested person/s.

143. Besides conducting physical examinations, the MELOs are likewise performing autopsy examinations, sexual assault examinations, conducting SOCO assistance, attending court duties and other medico-legal functions.

144. Presently, the Crime Laboratory is continuously recruiting medical doctors in order to augment the MELOs nationwide and further improve their efficiency in conducting medico-legal examinations.

145. The Crime Laboratory also seeks the assistance of other PNP medical doctors, particularly medical doctors assigned in PNP Health Service, to assist them in the conduct of physical examination to arrested person/s.

146. PNP Health Service medical doctors are conducting physical examinations to arrested suspect/s but such examinations are only conducted if the arrested persons had no signs of injury, thus, if the arrested persons has signs of injuries, the latter will be endorsed to Crime Laboratory for physical examination.

147. To guarantee the right of the victim or the victim's family to demand physical examination by an independent doctor, the DOH issued AO No. 2013-0008, which effected changes in the medical examination, recording and reporting protocols of attending medical officers. The issuance is directed to the government and non-government health care facilities where victims or suspected victims may be referred or seen.

148. Before RA 9745, all injuries are simply recorded objectively by the medical officer. The information is then communicated to the appropriate authority. With the advent of

RA 9745, the medical officer is mandated to inquire/probe into circumstances surrounding suspected torture cases.

Please indicate measures taken to address the reported lack of forensic investigation capacity in the Philippines, rendering prosecution highly dependent on witness testimony.

149. Pursuant to Section 35 (a) of RA 6975, the Crime Laboratory was established to provide scientific and technical investigative aid and support to the PNP and other government investigative agencies.

150. In addition to the Crime Laboratory Headquarters, District, and Regional Offices, several Provincial and Satellite Offices were established to provide the technical and scientific investigation and examination within its respective territorial jurisdiction, specifically: Ilocos Sur, Candon City, Ilocos Norte, Pangasinan, and Urdaneta City (RCLO 1); Baguio City, Abra, Apayao, Benguet, Ifugao, Kalinga, and Mountain Province (RCLO COR); Isabela, Santiago City, Nueva Viscaya, and Quirino (RCLO 2); Bulacan, Olongapo City, Aurora, Bataan, Nueva Ecija, Munoz City, Zambales, Tarlac, and Angeles City Office (RCLO 3); Cavite, Tagaytay City, Batangas, Rizal, Laguna, and Quezon (RCLO 4A); Palawan, Occidental Mindoro, Marinduque, and Romblon (RCLO 4B); Camarines Sur, Camarines Norte, Sorsogon, Masbate, and Catanduanes (RCLO 5); Antique, Aklan, Boracay, Negros Occidental, Guimaras, and Capiz Office (RCLO 6); Bohol, and Negros Oriental (RCLO 7); Tacloban, Northern Samar, Western Samar, Calbayog City, Ormoc City, Southern Leyte, and Biliran (RCLO 8); Zamboanga Del Norte, Zamboanga Del Sur, and Zamboanga Sibugay (RCLO 9); Bukidnon, Lanao Del Norte, Misamis Oriental, Misamis Occidental, and Camiguin (RCLO 10); Compostella Valley, Davao Oriental, Davao Del Norte, and Davao Del Sur (RCLO 11); South Cotobato, Kidapawan, Sultan Kudarat, and Sarangani (RCLO 12); Cabadbaran, Agusan Del Norte, Surigao Del Norte, Surigao Del Sur, and Agusan Del Sur (RCLO 13); Basilan, Sulu, and Tawi-tawi (RCLO ARMM).

151. The above-mentioned Crime Laboratory Offices has the capability to conduct Scene of Crime Operation (SOCO) assistance and receive pieces of evidence for examination within their respective territorial jurisdiction.

152. The Crime Laboratory has eight (8) technical divisions, which conduct its particular examination on the pieces of evidence. Such technical divisions are as follows: Fingerprint Identification Division, Firearms Identification Division, Medico-Legal Division, Chemistry Division, Forensic Photography Division, Question Document Division, Polygraph Division, and Physical Identification Division.

153. Among the sophisticated Crime Laboratory equipment are: Automated Fingerprint Identification System (AFIS), Integrated Ballistics Identification System (IBIS), Combined DNA Index System (CODIS), and Face Fit Kit for Computerized Facial Composite (CFC).

154. The Unit is in the process of purchasing other sophisticated equipment that will further improve its technical capabilities. The Crime Laboratory building is presently under renovation/reconstruction to upgrade it to a three (3) storey building to accommodate its increased personnel and equipment, and provide additional security and preserve the pieces of evidence under its custody.

155. For enhancement of technical knowledge and experience, the Unit regularly conducts foreign and local schoolings, seminars, and trainings to its personnel. It also conducts periodic lectures and seminars to police investigators and other law enforcement agencies pertaining to the proper preservation, collection and documenting pieces of evidence and to first responders, like barangay tanods and security guards, on the proper preservation of crime scene.

156. With all of the above, it is evident that the Crime Laboratory is capable and competent in providing an efficient and effective technical investigation and examination that will greatly assist in prosecuting crimes and bringing criminals to justice.

Article 11

Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report in 2009, and the frequency with which they are reviewed with a view to preventing any cases of torture or ill-treatment.

157. As previously stated, in December of 2012, RA 10353, also known as the Anti-Enforced or Involuntary Disappearance Act, was enacted. Under the said law, enforced or involuntary disappearance refers to the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.

158. Police Operational Procedures (POP) are also in place to ensure that police personnel do not commit any act of torture against any person under police custody. These rules, among others, are subject to systematic review, as a matter of fact, the 2010 POP had just been amended this year.

159. Pursuant to the "AFP-PNP Joint Training Directive 01-2012", the PNP has been conducting trainings entitled "Crime Scene Initial Response Orientation Course" for both AFP and PNP participants to equip them with the necessary knowledge and information for crime scene preservation, given the fact that all places of encounter between government forces and the rebel groups should be treated as crime scene, thus crime scene procedures and protocols must be observed for the proper preservation, collection and handling evidence towards the ultimate objective of court presentation.

Please provide information on the measures taken to establish consistent and comprehensive standards for independent monitoring mechanisms for all places of detention at the local or the national level, with a strong and impartial mandate and adequate resources.

160. The AFP, partnering with stakeholders in government and civil society, jointly crafted with the said stakeholders different mechanisms to address and resolve human rights issues, and to apprehend, investigate and prosecute violators thereof. Among these mechanisms are the following: (a) the National Monitoring Mechanism (NMM) which seeks to validate, investigate and prosecute violators of extralegal killings, enforced disappearances and torture cases, said NMM being chaired by the Commission on Human Rights (CHR), co-chaired by the Presidential Human Rights Committee (PHRC), with members from civil society organizations and different government agencies; (b) Monitoring, Reporting and Response System (MRRS) to prevent the six (6) Grave Child Rights Violations (GCRVs) led by the Council for the Welfare of Children (CWC) and the United Nations Children's Fund (UNICEF); (c) the National Preventive Mechanism (NPM) pursuant to the Optional Protocol on the Convention Against Torture led by the CHR and the PHRC; and, (d) the Inter-Agency Committee (IAC) under AO 35 issued by President Benigno S. Aquino III.

161. Aside from the above, there is likewise a mechanism under RA 10353, which is the duty to certify in writing on the results of inquiry into a reported disappeared person's whereabouts. Section 8 of the said law provides that in case a family member, relative,

lawyer, representative of a human rights organization or a member of the media inquires with a member or official of any police or military detention center, the PNP or any of its agencies, the AFP or any of its agencies, the NBI or any other agency or instrumentality of the government, as well as any hospital or morgue, public or private, on the presence or whereabouts of a reported victim of enforced or involuntary disappearance, such member or official shall immediately issue a certification in writing to the inquiring person or entity on the presence or absence and/or information on the whereabouts of such disappeared person, stating, among others, in clear and unequivocal manner the date and time of inquiry, details of the inquiry and the response to the inquiry.

Articles 12 and 13

In the light of the Committee's previous concluding observations (paras. 16 and 27) and the letter sent by the Committee's Rapporteur for follow-up, please provide updated information on steps taken to enhance the independence, resources, and free access to all detention facilities of the Commission on Human Rights of the Philippines and its members. Please provide updated information on:

162. The issues under this item will be addressed by the CHR, an independent national human rights institution, in a separate state report to be submitted to the United Nations.

(a) The status of the Commission's Charter, Senate Bills No. 106 and 297 (CAT/C/PHL/CO/2/Add.1, paras. 54 and 55);

163. Senate Bill No. 2818 (An Act Strengthening the Functional and Structural Organization of the Commission on Human Rights) was re-filed and one of the priority legislative agenda for the 16th Congress.

(b) The investigatory function of the Commission and the conditions under which it has primary jurisdiction to investigate alleged human rights violations;

164. There pending bills in Congress, such as the Senate Bill No. 2818, that seeks to expand and enhance the capacity of the CHR, including its investigational power.

(c) The process by which a victim of torture or ill treatment may bring a complaint to the Commission and how their right to do so is made known to the public. Please provide the Committee with further information on the number of cases of torture or ill-treatment, that the Commission has investigated and prosecuted since 2008 and their outcomes, including information on the number of convictions and associated punishments, and the number of victims who obtained redress and in what forms and amounts; and

165. Section 10 of RA 9745, mandated CHR and the Public Attorney's Office (PAO) to render legal assistance in the investigation and monitoring and/or filing of the complaint for a person who suffers torture and other cruel, inhuman and degrading treatment or punishment, or for any interested party thereto.

(d) The outcome of the investigation, if any, into complaints submitted by the Asian Human Rights Commission to the Commission in February 2010 alleging that military personnel for the 730th, Combat Group, in Palico, Batangas, had tortured three community organizers, Charity Dino, Billy Bathina and Sonny Rogelio, in November 2009.

166. Please see discussion under Item 22.

In the light of the Committee's previous concluding observations (paras. 15 and 27) and the letter sent by the Committee's Rapporteur for follow up on 1 December 2011 please provide the following information:

(a) The number of complaints of torture or ill-treatment received by the State party during the reporting period, disaggregated by mechanism that received the complaint, the age and gender of the complainant, and the location of the incident, as well as whether the complaints were investigated, whether they led to a criminal prosecution, whether those prosecuted were convicted, the offence found to have been committed and the punishment handed down by the court or disciplinary body;

167. Please see discussion on Article 2, Item 8.

(b) Data on investigations conducted by the Internal Affairs Service of the Philippine National Police (PNP-IAS) during the reporting period, disaggregated by geographic location, rank, the misconduct alleged to have been committed, and the outcomes of the investigations, including whether the officers investigated were dismissed from service. Please clarify whether any police officials play a role in hiring or dismissing members of the PNP-IAS and whether any mechanism provides oversight of the PNP IAS.

168. As to the alleged torture cases investigated by the PNP IAS, the case involving then PSINSP Joselito Binayug, the details of which had been cited under Item 24 of this Report, is the only one on record.

169. In the matter of hiring or dismissing members of the PNP IAS, Section 41 and 51 of RA 8551, otherwise known as the Philippine National Police Reform and Reorganization Act of 1998, state as follows:

"Section 41 – Appointments

The Inspector General shall be appointed by the President upon the recommendation of the Director General and duly endorsed by the Commission. Appointments of personnel who shall occupy various positions shall be made by the Inspector General and shall be based on an established career pattern and criteria to be promulgated by the National Police Commission.

Section 51 – Complaints against the IAS

A complaint against any personnel or office of IAS shall be brought to the Inspector General's Office or to the Commission, as may be appropriate."

170. With respect to oversight mechanism over the PNP IAS, the latter is placed under the Office of the Chief, PNP pursuant to National Police Commission (NAPOLCOM) Resolution 2000-160 dated November 14, 2000, thus under the oversight power of the Chief, PNP.

(c) The mandate of the PNP Rights-Based Policing Committee (CAT/C/PHL/CO/2/Add. 1, para. 143), particularly as to whether it conducts investigations into allegations of torture and ill treatment.

171. Part of the 10-point action plan of the Chief, PNP is the promotion of rights-based policing. This includes full development of human rights Help Desks in all police stations and strict adherence to the basic tenets of human rights with emphasis on the police operational procedures to plug loopholes.

172. The PNP committee on human rights created by virtue of NHQ-DPL Letter Order No. 1278 had been abolished and its functions were absorbed by the PNP Human Rights Office (PNP HRAO) pursuant to NAPOLCOM Resolution No. 2007-247 dated June 29, 2007. The PNP HRAO serves as the planning and management facility for the implementation of the PNP Human Rights Development Program, otherwise known as LOI

"Pamana" or Legacy. This year, PNP HRAO initiated the publication of a new PNP guidebook on human rights-based policing which highlights, among others, detainees' rights and humane treatment of detainees.

173. The PNP HRAO does not conduct investigation and it only refers any case for administrative investigation to the PNP IAS or CIDG and other PNP investigating bodies for criminal investigation. However, PNP HRAO closely monitors such investigations specifically cases of HR Violations, including torture and ill treatment. The PNP, in coordination with DOJ and Medical Action Group (MAG), trains investigators who will be experts in handling torture cases.

(d) The composition and mandate of the task Force Organization (CAT/C/PHL/CO2/Add. 1, para. 4). Please indicate the number of personnel who have been disciplined during the reporting period as a result of its investigations, the violations they were found to have committed and the disciplinary sanction handed down. Please indicate how cases are brought to its attention and how its independence is ensured.

174. Inasmuch as torture cases are filed with the CHR, the AFP has no records on the total number of torture cases filed with the said Office, and is awaiting referral of cases from the coordination structure created under AO 35.

175. The AFP, however, has acted on the case referred by the CHR regarding an incident in Sulu province where an alleged member of the Abu Sayyaf Group was arrested and subsequently allegedly tortured by a lieutenant in the Philippine Army, allegedly with four (4) enlisted personnel under his command. After investigation, two (2) enlisted personnel were discharged from the military service, while the two (2) other personnel were charged together with the lieutenant before the General Court Martial in the Philippine Army.

Please provide information on the status of any investigation into the following cases in which police or military personnel are alleged to have committed torture:

(a) Darius Evangelista, who was arrested and reportedly tortured in police custody in March 2010 in Tondo, particularly following the publication of video footage that appears to show him being tortured;

176. With respect to the alleged torture of Darius Evangelista (Dexter Evangelista as reported), a case for violation of RA 9745 or the Anti Torture Act of 2009 was filed against the suspects. The case is currently pending before the RTC, Branch 1, Manila, docketed as C.C. No. 11-286433. The PNP officer involved, namely, PSINSP JOSELITO BINAYUG was already dismissed from the Police Service. On April 15, 2013 personnel of PNP-Intelligence Group arrested former PSINSP JOSELITO BINAYUG at LTO Tayuman St., Tondo, Manila by virtue of a warrant of arrest.

(b) Lenin Canada Salas, who, along with three associates, was reportedly tortured in police custody on 3 August 2010. The Committee understands that charges filed against the officials believed to be responsible were later dropped on the grounds that Mr. Salas and his associates were blindfolded during the torture and thus, unable to identify the perpetrators. Please indicate whether any investigation into these allegations continues, what steps the State party is taking to ensure that the victims obtain redress and what measures the State party is taking to ensure that public officials are prohibited from blindfolding detainees during interrogation, in law and in practice.

177. As regards the case of Lenin Salas, Rodwyn Tala, Jose Gomez, Daniel Navarro and Jerry Simbulan, a motu-proprio investigation was immediately conducted by the CHR Region III. Based on the sworn statements and the results of the medical examination conducted by CHR Forensic Team, a case for Violation of the Anti-Torture Act of 2009 was filed before the Office of the City Prosecutor of San Fernando City, Pampanga against

P/Supt. Madzgani Mukaram and several John Does of Camp Diosdao De Leon of PNP City of San Fernando, Pampanga. However, the case was dismissed on the ground of insufficiency of evidence. According to the Prosecutor, the victims failed to positively identify respondent Mukaram as the person who allegedly tortured them since at the time the respondent (police) were talking to the victims, they were all blindfolded.

178. A Petition for Review, after the dismissal of the Motion for Reconsideration, was filed and is now pending before the DOJ.

179. The complainants, nevertheless, had the option to file charges against the other accused following the principle of command responsibility. They have not exercised this option.

180. On blindfolding of suspects during custodial investigation, the PNP Police Operational Procedures (POP) proscribes and penalizes PNP personnel resorting to this action in questioning arrested suspects.

(c) Abdul-Khan Balinting Ajid, who was arrested and allegedly tortured from 23–26 July 2011 by members of the AFP 39th Scout Rangers in Sumisip, and into whose allegations the military reportedly launched an investigation;

181. As to the alleged torture of Abdul-Khan Balinting Ajid, the CHR resolved to file the appropriate criminal charges before the Provincial Prosecutor's Office of Basilan against Capt. Sherwin Guidagen, SSgt. Elmer Magdaraog and Sgt. George Awing for Violation of RA 9745. The CHR Regional Office IX, Zamboanga City continuously monitors the case.

182. The Commander of Western Mindanao Command had already submitted his report to the Chief of Staff, AFP recommending the dismissal from the military service those personnel involved in the incident. Cases for violation of Article of War 96 (Conduct Unbecoming an Officer and Gentleman) and Article of War 97 (Conduct Prejudicial to Good Order and Military Discipline) were filed before the General Court-Martial in the Philippine Army against the lieutenant involved in the alleged torture, while a case for violation of Article of War 97 (Conduct Prejudicial to Good Order and Military Discipline) was filed against the two (2) enlisted personnel implicated in the torture of Ajid.

(d) Misuari Kamid, who was arrested on 30 April 2010 and reportedly subject to torture to compel to confess to a crime and who reportedly remains in detention on charges stemming from his confession.

183. Misuari Kamid was arrested by PDEA operatives last April 30, 2010 during the anti-drug operation (buy-bust) contrary to the Report that he was arrested because of his confession. One (1) small heat sealed transparent plastic sachet containing methamphetamine hydrochloride commonly known as "shabu" and two (2) small packs of dried leaves and stalks of marijuana were seized from him during the anti-drug operation. He was subjected to drug test last May 1, 2010 and he was found positive for "shabu" both in the screening and confirmatory tests conducted by the PNP Crime Laboratory in General Santos City. Thereafter, a case for violation of Sections 5 and 11 of RA 9165, the Comprehensive Dangerous Drugs Law of 2002 docketed as Criminal Case No. 21714-21715 was filed against him and is now pending before the Regional Trial Court Branch 37, General Santos City. The prosecution has already presented witnesses against Kamid.

184. Kamid filed several complaints against the PDEA operatives – one for planting of evidence and physical injuries before the City Prosecutors Office-General Santos City but after a preliminary investigation, the prosecutor found probable cause only for slight physical injuries. Consequently, an information for Slight Physical Injuries docketed as Criminal Case No. 50035-2 was filed before the Municipal Trial Court in Cities, General Santos City against the PDEA operatives but this was dismissed last September 26, 2013.

Another complaint against the PDEA operatives was filed by the Hong Kong-based Asian Human Rights before the Office of the President, which was referred to PDEA by the Presidential Action Center. After the observance of due process, PDEA found only two (2) among the eight (8) operatives complained of guilty of Oppression and they were meted the penalty of suspension of one month without pay considering that Kamid sustained physical injuries while he was under temporary custody of PDEA awaiting for his commitment order. The penalty of suspension was served by the two respondents last April 12, 2011. Still another case was filed by Kamid before the CHR, Cotabato City which in turn referred the administrative aspect of the case to the Office of the Ombudsman. For failure of the PDEA operatives to submit their counter-affidavit and position paper, the Ombudsman handed down its decision finding all the eight (8) operatives guilty of Simple Misconduct and imposing upon them the penalty of suspension of month without pay. The decision of the Ombudsman was implemented by PDEA last August 12 2013.

Please provide data on the number of police personnel who have been suspended from duty pending investigations into allegations that they committed torture or ill-treatment. Please comment on the case of John Paul Nerio, who alleged that he was tortured by PNP Special Weapons and Tactics personnel in December 2011, that the alleged perpetrators were not suspended from duty during the investigation and that they subjected him and his family to intimidation.

185. With respect to the data on the number of police personnel who were suspended from duty pending investigation into allegations that they committed torture or ill-treatment, there is only one case for violation of RA 9745 that the PNP has investigated and this concerns the case of PSupt Rogelio Rosales, PSupt Ernesto Tindero, PSInsp Joselito Binayug and other Police Non-Commissioned Officers (PNCOs). During the filing of the criminal case against them, the said officers were relieved from their assignments and PSupt Rosales and Tindero were disarmed and placed under the restrictive custody of the District Director of Manila Police District. The PNCOs were likewise relieved, disarmed and reassigned with the Regional Headquarters Support Group of the Regional Intelligence Unit-NCR RIU-NCR. On January 14, 2011, PSInsp Joselito Binayug was ordered dismissed from the police service for violation of RA 9745, amounting to grave misconduct while PSInsp Rogelio Rosales, PSupt Ernesto Tindero and Other PNCOs were absolved of the offense charged for lack of merit.

186. On the alleged torture of 17-year old John Paul Nerio on December 11, 2010 in Barangay Manongol, Kidapawan City, a case for violation of RA 7610 or the Special Protection Against Child Abuse, Exploitation and Discrimination Law was already filed against the suspects before the Kidapawan City Prosecution Office docketed as NPS Doc No. XII-04-INV-2011-D-0076. Also, a consolidated administrative case for Abuse of Authority, Police Brutality, and Violation of their Sworn Duties and Responsibilities against the same suspects was already filed before the People's Law Enforcement Board (PLEB) of Kidapawan City docketed as Administrative Case No. 11-02.

In the light of the Committee's previous concluding observations (para. 21), please provide information on measures taken to strengthen the mechanisms for the protection of the complainants and the witnesses against any kind of intimidation or ill-treatment, in particular the Witness Protection Programme under the Witness Protection, Security and Benefit Act (RA 6981). Please indicate the number of alleged victims and witnesses that have received protection and the nature of protection provided; whether the State party has assessed the effectiveness of the programme; and the financial or other resources allocated for the programme. Is this programme still housed within the National Prosecution Service? Can individuals remain in the witness protection system for as long as they are at risk? Please indicate the progress made and challenges identified in implementing the

recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions following his visit to the Philippines (A/HRC/11/2/Add.8), particularly on witness protection.

187. The following are the measures taken by the government to strengthen the Witness Protection Program (WPP), under the DOJ:

(a) Proactive Implementation

188. Regional implementers have been directed to adopt a proactive stance in seeking out witnesses especially in cases involving political killings, media murders, human rights violation, and other cases of national interest, although there are statutory requirements for admission into the Program. Program personnel have been directed to liberalize admission requirements, particularly when threat level on bona fide witnesses in media and political rights, human rights violation cases, and cases of national interest is high. Regional implementers were given discretion to secure and extend provisional coverage to witnesses under serious threats pending completion of documentary requirements to avoid a miscarriage of justice.

(b) Enhancement of Witness Benefits

- Witnesses often decline proposal to testify for the prosecution not only because of fear of physical harm, but more often of economic dislocation. To allay witnesses' apprehensions because of a drastic change in their way of life upon admission into the Program financial, economic, security, psychological and social benefits and services need to be improved;
- Psychological counseling now being made available to traumatized witnesses shall further be improved in coordination with the Department of Health, Department of Social Welfare and Development and the Philippine General Hospital to prepare witnesses in rejoining mainstream society after the termination of their coverage as protected witnesses and to lessen their dependence on the WPP;
- Wide ranging vocational training programs are being made available for the witness in coordination with TESDA, TLRC or NGOs to keep witnesses and their families busy while under coverage of the Program and to prepare them to suitable employment here and abroad.

(c) Fast Track Prosecution of Cases

189. The Program is committed to assist in fast tracking the prosecution of cases, especially cases against organized criminal syndicates, human trafficking cases and other cases of national interest. In these cases, the customary level of material, financial/economic and human resources have to be raised. For 2013, the Program hopes to double its efforts in securing more convictions to surpass 2011's conviction rate of 94.74%, as well as to live up to its mandate of securing and protecting its witnesses and their families.

(d) Capability of Building of WPP Personnel

- Create organic positions to man key positions in the Internal Security Operations Group (ISOG) while at the same time maintaining contractual Security personnel for deployment flexibility;
- Conduct quarterly security and marksmanship training of ISOG personnel;
- Conduct annual training for administrative personnel to enhance administrative and clerical skills; and

- In coordination with NGOs, train WPP personnel/ISOG to conduct psychological counseling and livelihood programs for purposes of re-echoing these to the covered witnesses and their families.

(e) Upgrade Facilities and Security Equipment

190. At present, the Program's operations are carried out in 3 separate rooms. Two of these rooms, namely, the Secretariat and the Cashiering Unit, are already cramped with voluminous records that undermine working conditions. Repeated proposals to build a separate building for the Program have been left again be ignored, we have opted to downgrade our request to the refurbishment and rehabilitation of our existing offices.

(f) Lease of Additional temporary Shelters

191. The DOJ estimates that by 2013, the witness population would increase to about 735 as against admissions in 2011 of 627, or an increase of 108. Hence, the 59 temporary shelters we presently have will no longer suffice. In 2013, therefore, we intend to lease more temporary shelters.

(g) Development of Model Witness Colonies

The DOJ plans to lease and develop farmlands in strategic places in Luzon, Visayas and Mindanao to be converted to witness colonies where livelihood projects such as farming, poultry and cattle raising will be undertaken. Recently, a goal dispersal livelihood project has already been initiated in Region II and XII.

Please provide information on any prosecutions, convictions and punishment subsequent to the Government's investigation of the killing of 57 persons, including 21 women, in Maguindanao province on 23 November 2009 and sexual violence against the women victims, referred in the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences (A/HRC/16/52/Add.1, para. 167). Please also provide information on measures taken to ensure adequate protection of witnesses and family members of the deceased and to investigate and prosecute violence and intimidation against them. Please provide information on the investigation into the murder of witness Suwaid Uphamin in June 2011. Please also comment on reports that the widow and children of deceased journalist Alejandro "Bong" Reblando, have not received protection from the authorities, despite the reports that they are being subjected to harassment.

192. On the Maguindanao massacre, out of the one hundred ninety-seven (197) accused in the instant cases, there are already one hundred four (104) accused who have been arraigned out of the one hundred six (106) arrested as of October 2013; sixty one (61) of those detained have filed petitions for bail.

193. The prosecution has rested its presentation of evidence against the bail applications of all accused including principal accused Andal Ampatuan Sr., Andal Ampatuan, Jr., Zaldy Ampatuan, Sajid Ampatuan, Akmad "Tato" Ampatuan and Anwar Amapatuan, Sr.

194. As for the witnesses, sixteen (16) of them, including their families are presently covered under the Witness Protection and Security Benefits Program (WPP) and are by consequence provided temporary shelter, security protection, financial assistance for monthly substance, medical and other needs. On the other hand, under the WPP Act, RA 6981, the family members of the deceased victims are not qualified for coverage in as they are not eyewitnesses to the crime charged. However, under the Board of Claims, they are entitled and have received compensation in the amount of P 100,000.00 each, excluding other monetary donations/benefits accorded them by the Government.

195. Regarding the threats to and harassment of the victims' families, there are however no formal complaints filed either before the courts or any other body. The death of Suwaid Upham, a supposed witness to the massacre, has not been formalized into a criminal complaint in court or before the Department to date.

196. The WPP Act also limits its coverage only to witnesses and does not include the deceased kin, unless they qualify as witnesses as defined under the said law.

Please provide information on the measures taken to promptly, impartially and effectively investigate the allegations of arbitrary arrest and detention and torture of human rights defenders by public officials and killing of, violence against and intimidation of human rights defenders by private parties in all cases raised with the State party by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture (A/HRC/19/55/Add.2, paras. 285–290; A/HRC/16/52/Add.1, paras. 168–170; A/HRC/16/44/Add.1, paras. 1927–1946).

197. The State Party, by virtue of A.O. No. 35, Inter-Agency Committee (IAC) on Extrajudicial Killings, Enforced Disappearance, Torture and other Grave Human Rights Violations establish an institutional legacy of efficient, coherent, and comprehensive government machinery. A special oversight team of investigators and prosecutors was created to actively monitor developments on cases under investigation and regularly report and submit recommendations to the committee. It also created a special team of investigators and prosecutors shall be designated by the committee exclusively for new cases, for immediate investigation and prosecution of perpetrators. Cases referred to or filed with the CHR or Ombudsman shall be monitored by this special team for action. In the case of torture, another special team shall ensure that the 60-day period under the anti-Torture Act for investigation of the complaint is followed by the DOJ, Public Attorney's Office, PNP, NBI or AFP.

198. A Joint Department Order No. 003-2012 was forged between the DOJ and DILG to ensure that alleged political activities and media killings are effectively investigated and successfully prosecuted through cooperation and coordination between the law enforcement and prosecution arms of the government in all phases of the criminal proceedings.

199. In addition, the following measures were taken by the PNP to promptly, impartially and effectively investigate the allegations of arbitrary arrest and detention and torture of human rights defenders by public officials and killing of, violence against and intimidation of human rights defenders by private parties:

(a) Apart from the independent investigations by the Commission on Human Rights, the PNP Human Rights Affairs Office assists the PNP Internal Affairs Service and other police investigative bodies in pursuing credible and impartial investigations of reported acts of torture;

(b) PNP Human Rights Desks were also established nationwide as frontline mechanisms for receiving and referring for action all reports of torture and/or other human rights violations;

(c) The PNP, through Directorate for Investigation and Detective Management (DIDM) created Task Force USIG on May 13, 2006 to strengthen the coordination of concerned PNP offices/units in the investigation, prosecution and monitoring of cases of media practitioners and militants/activists who were killed due to their work-related activities or affiliation and political activities;

(d) Published and distributed Handbook on Personal Security Measures for Media Practitioners;

(e) Placement of Reward Money, Creation of Posters and Organization of Tracker Teams;

(f) The PNP has formulated new and amended existing policies, procedures and guidelines to enhance the capacity and effectiveness of its personnel in the conduct of investigation, to wit:

(i) SOP in the Investigation of Heinous and Sensational Cases dated November 12, 2012;

(ii) SOP for the Conduct of Case Review dated June 28, 2012;

(iii) Mandatory Conduct of Digital Forensic Examination on the Recovered Cellular Phones, Computers, Digital Storage Media and other Electronic Digital Storage Devices in All Cases Handled dated June 13, 2012;

(iv) Mandatory Conduct of all Applicable and Available Forensic Examination on the Collected Evidence by SOCO Team in All Cases Handled by SITG dated May 22, 2012;

(v) Template for Q & A Sworn Statement for Murder Homicide Case dated May 16, 2012;

(vi) Guidelines in Gathering Information from Witnesses dated March 26, 2012;

(vii) Required Data in All Facial Composite Illustrations dated January 24, 2012;

(viii) Factors to be Considered in Determining Enforced or Involuntary Disappearance (EID) Cases dated January 18, 2012;

(ix) LOI 01/11 (Conduct nationwide training on Criminal Investigation Course (CIC) to elevate investigative standards of the organization);

(x) SOP on the Conduct of Crime Scene Investigation;

(xi) Standard Operating # 02/11 Procedures in the Creation & Activation of Special Investigation Task Group (SITG) to Handle Heinous and Sensational Crimes;

(xii) Mandatory Examination of All Firearms, Shells and Slugs Recovered during Police Operations;

(xiii) LOI 02-2011 (Procedure for Collection of Tenprints of All Booked Suspects at Police Stations Nationwide;

(xiv) Guidelines on the Accountability of the Immediate Officer for the Involvement of His Subordinates in Criminal Offences and the Implementation of 3-Strike Policy; and

(xv) SOP on Booking of Arrested Suspects;

(g) Reviewed TF USIG cases nationwide that served as a device to identify and discuss the lapses and shortcomings of investigators in their actual crime investigation and crime scene processing in murder and abduction cases against militants/activists and media practitioners; and

(h) Published and printed the following manuals, with the aid of the European Community through the European Union-Philippines Justice Support (EPJUST) Program, as reference materials for investigators and case managers in the investigation of high profile crimes:

(i) PNP Field Manual on Investigation of Crimes of Violence;

(ii) Revised Investigation Manual and Curriculum to include the Standard Training Package; and

(iii) Pre-Charged Evaluation and Summary Hearing Guide Manual.

Article 14

In the light of the Committee's previous concluding observations (para. 22), please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture on their families, since the examination of the last periodic report in 2009. This information should include the number of requests made, the number granted, the amounts of compensation ordered and those actually provided in each case. Please also provide information on the accessibility and availability of rehabilitation programs for victims of torture, ill-treatment, trafficking and domestic and other sexual violence, including medical and psychological assistant. Please indicate the status of implementation of section 19 of the Anti-Torture Law, which mandates the formulation of rehabilitation programs and specially indicate whether all relevant agencies have participated in its development and implementation, the amount of resources allocated to it and measures the State party is taking to ensure that it is implemented throughout the State party.

200. The Anti-Torture Act, RA 9745, specifically provides for compensation and rehabilitation program Section 18 thereof on Compensation to Victims of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment provides:

> "Any person who has suffered torture or other cruel, inhuman and degrading treatment or punishment shall have the right to claim for compensation as provided for under Republic Act No. 7309: Provided, That in no case shall the compensation be any lower than Ten thousand pesos (P 10,000.00). The victim shall also have the right to claim for compensation from such other financial relief programs that may be available to him/her."

201. Pursuant to Section 19 of RA 9745, the Commission on Human Rights (CHR), Department of Social Welfare and Development (DSWD), Department of Justice (DOJ), Department of Health (DOH) and concerned non-government organizations, drafted a Comprehensive Rehabilitation Program for Torture Victims and their Families, and those who have committed Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The preliminary draft was subjected to a National Consultation last June 20, 2011. Thereafter, the draft was revised, through a series of meetings. The revised draft was forwarded to the concerned agencies for comments on April 2013.

202. Series of consultation meetings and a writing workshop involving concerned agencies have been conducted to come up with the Guidelines in preparation for the setting-up of a Comprehensive Rehabilitation Program for torture victims and their families and for those who committed the crime and other inhuman and degrading act.

203. The salient features of the Guidelines are as follows:

(a) The program shall cover the rehabilitation of victims of torture and other cruel, inhuman and degrading treatment or punishment, their families and those committed it;

(b) It shall have an "informed consent" feature. All assistance given to victims of torture, their families and those committed it shall only proceed with his/her informed consent;

(c) The program shall provide for holistic treatment, including physical, mental, social and psychological, which guarantees effective rehabilitation and reintegration;

(d) The program services shall be designed client-sensitive, and culture and gender responsive;

(e) The program shall include a conduct of monitoring and evaluation to ensure and gauge the effectiveness and responsiveness of services.

204. After taking into consideration the comments/recommendations of various agencies involved, the DOH and DSWD approved the revised Rehabilitation Program on April 25, 2013 and June 4, 2013, respectively. The revised draft is pending approval of the DOJ prior to its implementation.

Article 15

Pursuant to the Committee's previous concluding observation (para. 23), please provide information on the measures taken to ensure that, in practice, evidence obtained by torture shall not be invoked as evidence in any proceedings. Please provide information on cases in which legal provisions concerning the prohibition of against using a statement obtained under torture as evidence, including section (d) and (e) of Republic Act 7438 and section 25 of the 2007 Human Security Act, have been applied. Please also indicate the number and percentage of criminal cases where the primary evidence of guilt was a confession. Please indicate if the courts have found any cases of wrongful conviction based on evidence obtained through torture and any redress provided to victims.

205. RA 9745 expressly provides that any confession, admission or statement obtained as a result of torture shall be inadmissible in evidence in any proceedings. However, said confession, admission, or statement may be used as evidence against a person or persons accused of committing the act of torture.

Article 16

With regard to the committee's previous concluding observations (para. 17), please provide information on the measures taken to improve conditions in all detention facilities, including places of detention for asylum seekers and psychiatric institutions, to bring them in line with international minimum standards, in particular to alleviate the overcrowding of penitentiary institutions. Please indicate the status of the Bureau of Jail Management and Penology Modernization Act. Please also provide data on the frequency of use of alternative forms punishment.

206. The State Party, through the BJMP instituted the following to further improve the living conditions of inmates:

(a) Therapeutic Community Modality Program: Institutionalization of TCMP in all BJMP-manned jails nationwide.

207. Self-help social learning treatment model which utilizes the community as the primary therapeutic vehicle to foster behavioral and attitudinal change. This mechanism also allows immediate action to be done on complaints of torture, provide deterrence to violation and provides focal point for prevention of torture.

(b) Creation of Directorate for Inmate Welfare and Development

208. The establishment of a new Directorate resulted to the equal focus lent to inmate welfare and development admittedly neglected before due to the strong emphasis on jail security alone. Sunning activity, which is indispensable for good health, sports activities,

food nutrition, TB eradication programs were not priorities in the past because of their lack of relevance to the maintenance of security. To ensure compliance to the of the law in taking care of the human rights of the inmates and in order to effectively prepare them for their eventual reintegration in to the mainstream of society the BJMP facilitated the creation of another directorate with operating arms in all BJMP-manned jails nationwide thus improving the overall human rights condition in jails.

(c) Pushed for the Passage of Laws to Decongest Jails

- RA 10159: An Act Amending Article 39 Of Act No. 3815, As Amended, Otherwise Known As The Revised Penal Code"

209. Salient Feature:

"Section 1 – Article 39 of Act No. 3815, as amended, is hereby further amended to read as follows:

Article 39. Subsidiary Penalty – If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each amount equivalent to the highest minimum wage rate prevailing in the Philippines at the time of the rendition of judgment of conviction by the trial court, xxx."

- RA 10389: Recognizance Act of 2012: An Act Institutionalizing Recognizance As A Mode Of Granting The Release Of An Indigent Person In Custody As An Accused In A Criminal Case And For Other Purposes

210. The right of persons, except those charged with crimes punishable by death, *reclusion perpetua*, or life imprisonment, to be released on recognizance before conviction by the Regional Trial Court, irrespective of whether the case was originally filed in or appealed to it, upon compliance with the requirements of this Act, is hereby affirmed, recognized and guaranteed.

211. Salient Feature:

"Section 5 Release on Recognizance as a Matter of Right Guaranteed by the Constitution. The release on recognizance of any person in custody or detention for the commission of an offense is a matter of right when the offense is not punishable by death, *reclusion perpetua*, or life imprisonment:

Provided, That the accused or any person on behalf of the accused files the application for such:

(a) Before or after conviction by the Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities and Municipal Circuit Trial Court; and

(b) Before conviction by the Regional Trial Court: Provided, further, That a person in custody for a period equal to or more than the minimum of the principal penalty prescribed for the offense charged, without application of the Indeterminate Sentence Law, or any modifying circumstance, shall be released on the person's recognizance."

212. Along with the paralegal program, these laws will substantially decongest the jails, which are the main cause of the sub-human conditions in many jails.

(d) Paralegal Program

- Activated Paralegal Corners and Desks in every city, district and municipal jails nationwide, visible and accessible for every inmate who wants to avail of the services offered by the program;

- Reinforced the capability of the Paralegal Officers to address the concerns of inmates through the conduct of Paralegal Trainings;
- Conducted surprise inspections to jails to determine if paralegal programs are implemented;
- Reorganized regional, provincial and unit paralegal offices;
- Drafted Paralegal Manual and Resource Book, in partnership with the Humanitarian Legal Assistance Foundation (HLAF).

213. The strengthening of the paralegal program makes possible the efficient implementation of decongestion measures that will improve the human rights condition in jails.

(e) Identification of the Number of Death in Inmates, Causes, and Preventive Measure through Consultation

214. This mechanism allows identification of possible torture victims as well as provides information and evidence of sub-human conditions which help prompt authorities to take appropriate measures to improve the living condition of inmates.

Table 8
Leading Causes of Death Among Inmates – CY-2012

Rank	*Disease*	*No. of Cases*
1st	Cardio Pulmonary Arrest	96
2nd	Cardiac Arrest	50
3rd	Respiratory Failure	36
4th	Myocardial Infraction	23
5th	Pulmonary Tuberculosis (PTB)	19
6th	Community Acquired Pneumonia (CAP)	12
7th	Cerebrovascular Accident	7
8th	Sepsis	6
9th	Renal Failure	4
10th	Hypovolemic Shock	3
11th	Septic Shock	2
12th	Multi-Drug Resistant TB (MDR-TB)	2
Total		**257**

Table 9
Mortality Rate – CY-2012

Month	*No. of Deaths*
January	36
February	34
March	62
April	29
May	35
June	27

Month	*No. of Deaths*
July	26
August	46
September	28
October	41
November	41
December	37
Total	**442**

Table 10
Leading Causes of Consultation Among Inmates – CY-2012

Rank	*Illness Diseases*	*No. of Consultations*
1st	Upper Respiratory Tract Infection (URTI)	44,349
2nd	Fever (Unknown Cause)	25,916
3rd	Hypertension	25,463
4th	Headache	24,132
5th	Acute Gastro Enteritis	14,235
6th	Skin Allergy (Hypersensitivity Reaction)	11,120
7th	Abscess	10,976
8th	Asthma	10,248
9th	Scabies	9,725
10th	Arthritis	9,138
11th	Hyperacidity	7,552
12th	Muscle Pain	6,412
13th	Fungal Infection	5,803
14th	Abdominal Pain	5,452
15th	Dizziness	5,235
16th	Pulmonary Tuberculosis (PTB)	4,801
17th	Urinary Tract Infection (UTI)	3,310
18th	Rheumatism	2,874
19th	Body Malaise	3,143
20th	Hypotension	2,722

(f) Publication of Manual on Habitat, Water, Sanitation and Kitchen in Jails – The BJMP standard on floor space, air volume, ventilation and lighting sourced from the National Building Code or Presidential Decree No. 1096 (Sections 807 to 902), and institutionalized through the BJMP Manual on Habitat, Water Sanitation, and Kitchen in Jails as follows:

(i) Floor space – 4.7 sq.m./person with the maximum number of inmates per cell pegged at 10. Each cell must ideally have 1 unit each wash area, bath area and toilet bowl;

(ii) Air Volume – 14 cubic meter/inmate (minimum ceiling height is 3.0 m);

(iii) Size of openings or windows (minimum) – 10% of total floor area;

(iv) Artificial Lighting – 5 watts bulb/inmate;

(v) Water – 95 liters/inmate/day to cover all needs;

(vi) Water for drinking – 3–5 liters per inmate per day;

(vii) Number of taps outside cell – 1–2 taps/100 inmates;

(viii) Number of faucets in bathrooms/toilets – 1 per 10 inmates and 1 per toilet.

215. The prescribed floor space is well within the prescribed range standards of 3.4–5.4 but short by 0.7 sq.m. of the ICRC's prescribed floor space requirement of 5.4 sq.m. per inmate for new constructions, whether the inmate is alone in a cell or shares it with others.

216. Compared to other countries its floor space standard is found in the middle of the range of standards. It is significantly higher than most of its Asian counterparts but lower than European standards.

217. The Manual likewise prescribed the minimum facilities such as Administration building, Jail building, fences, sunning area yard, infirmary, water source, drainage, garbage collection, and kitchen that will comprise a jail unit. (Attached is a copy of the Manual).

In the light of the committee's previous concluding observations (para. 19) and the letter sent by the Committee's Rapporteur for follow-up, please provide updated information on steps taken to address conditions of detention of children, in particular:

(a) The measures taken to fully segregate detained children from adults. Please comment on reports that despite the protections called for in Juvenile Justice and welfare Act (RA 9344, CAT/C/PHL/CO/2/Add.1, paras. 70 ff), children continue to be held with adult inmates in police lock-up cells. Please clarify what oversight mechanisms are in place to ensure that children are separated from adult inmates;

218. Section 46 of RA 9344 on Separate Facilities from Adults states that in all rehabilitation or training facilities, it shall be mandatory that children shall be separated from adults unless they are members of the same family. Under no circumstance shall a child in conflict with the law (CICL) be placed in the same confinement as adults. The rehabilitation, training or confinement area of CICL shall provide a home environment where CICL can be provided with quality counseling and treatment.

219. Section 65 on Children Detained Pending Trial likewise states that if the child is detained pending trial, the Family Court shall also determine whether or not continued detention is necessary and, if not, determine appropriate alternatives for detention. If detention is necessary and he/she is detained with adults, the court shall immediately order the transfer of the child to a youth detention home.

220. The Juvenile Justice and Welfare Council (JJWC), created under this law, is mandated to ensure the implementation of this Law. Among its functions and through the duly designated persons and with the assistance of agencies concerned with CICL, JJWC is mandated to conduct regular inspections in detention and rehabilitation facilities and to undertake spot inspections on their own initiatives in order to check compliance with the standards provided and to make necessary recommendations to appropriate agencies.

221. The JJWC is closely coordinating with the BJMP and PNP to address the issues on CICL held with adult inmates and in police lock-up cells. Several CICL were already transferred to Youth Homes managed by NGOs that work with JJWC in addressing issues on CICL.

222. The CHR has visitorial powers to visit and inspect jails and detention facilities to ensure that detained children are separated from adult inmates. CHR is a member of JJWC.

223. The following measures are undertaken by the DSWD to fully segregate detained children from adults and to ensure de facto implementation of provisions regarding children in detention, including the Juvenile and Welfare Act and the Revised Rule on Children in Conflict with the Law:

(a) Jail visits by social workers;

(b) Dialogue with the 5 pillars of the Juvenile Justice System;

(c) Monitoring of establishment of Bahay Pag-Asa of Local Government Units;

(d) In the absence of Bahay Pag-asa in the Local Government Units, CICL are accommodated in Regional Rehabilitation Center for Youth whose cases are pending in court;

(e) There are 25 Bahay Pag-Asa nationwide managed by Local Government Units;

(f) Legal assistance in criminal cases involving minors through its 17 retainer lawyers in partnership in Child Justice League, Inc.; and

(g) Participation in the Monitoring and Response Team on the Grave Child Rights Violation in the context of Armed Conflict.

(b) The measure taken to ensure de facto implementation of provisions regarding children in detention, including the Juvenile Justice and welfare Act and the Revised Rule on Children in conflict with the Law. The Committee notes the concerns missed by the Committee on the Rights of Child in 2002, in relation to the number of detained children and the lack of effective legal safeguards and access to care for children in conflict with the Law (CRC/C/PHL/CO/3-4 para. 80);

224. RA 9344, the Juvenile Justice and Welfare Act of 2006, as amended by RA 10630, otherwise known as "An Act Establishing A Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Social Welfare and Development as approved on October 3, 2013 expressly prohibits committing children in jail. It also established Intensive Juvenile Intervention Program for children whose age is 12–15 years old and have committed serious crimes. The newly amended law emphasizes the need for the establishment of Youth Homes or the "BahayPag-Asa" in every province and highly urbanized city for the CICL.

225. Consultations and workshops are on-going towards the drafting of the Revised Implementing Rules and Regulations of the law.

226. The said law likewise includes BJMP and PNP as among the coordinating agencies to ensure the effective implementation of the Act.

(c) The measures taken to address the high number of reported cases of torture inhuman and degrading treatment of children in detention and the low number of cases which have resulted in prosecution and conviction (CRC/C/PHL/CO/3-4, paras. 40–41);

227. The State Party has no official reports on incidents of torture, inhuman and degrading treatment of children in detention.

228. Rule 55 of the Implementing Rules and Regulations of RA 9344 on Allegation of Torture states that if there is any allegation of torture or ill-treatment of CICL during arrest or detention, the prosecutor shall investigate and initiate the corresponding legal action when necessary.

229. Several guidelines/manuals among the pillars of the juvenile justice system specify prohibitions of torture, such as:

(a) Police Manual on the Management of Child in Conflict which establishes CICL-sensitive police operational procedure;

(b) Prosecutors' Manual;

(c) DOJ and BJMP Guidelines;

(d) Implementing Rules and Regulations of RA 9344;

(e) RA 10389 or the Recognizance Act of 2012.

(d) The total number of child detainees disaggregated by age, gender, sentence and type of detention facility in which they hold;

Table 11
Arrested Minors For Drug Violations 2012 (PDEA and Other Law Enforcement Agencies)

Age	*User*	*Pusher*	*Possessor*	*Cultivator*	*Visitor of a drug den*	*Trafficker*	*Runner*	*Cohort*	*Total*
7	-	-	-	-	-	-	1	-	1
12	-	1	-	-	-	-	1	-	2
13	1	3	-	-	-	-	-	-	4
14	2	1	3	-	-	-	-	-	6
15	1	6	11	-	1	-	-	-	19
16	2	13	12	1	1	1	-	1	31
17	4	21	28	-	1	1	-	3	58
Total	**10**	**45**	**54**	**1**	**3**	**2**	**2**	**4**	**121**

Table 12
Children In Conflict with the Law Detainees

	DSWD					*BJMP*				
Region	*2008*	*2009*	*2010*	*2011*	*Total*	*2008*	*2009*	*2010*	*2011*	*Total*
I	168	128	131	91	518	14	12	15	11	52
II	74	48	40	42	204	5	2	4	6	17
III	225	202	175	145	747	0	0	1	8	9
IV A	187	179	201	204	771	24	16	15	14	69
IV B	49	74	23	70	216	3	7	4	4	18
V	35	48	32	31	146	9	15	20	21	65
VI	128	752	37	1145	2062	0	0	1	3	4
VII	256	503	141	127	1027	93	102	163	207	565
VIII	113	81	70	72	336	3	1	6	9	19
IX	246	133	74	64	517	31	17	21	20	89
X	272	253	54	61	640	53	40	40	52	185
XI	239	204	129	95	667	2	2	1	1	6
XII	150	162	17	9	338	12	6	13	23	54
CARAGA	51	62	45	44	202	23	8	17	12	60

	DSWD					BJMP				
Region	*2008*	*2009*	*2010*	*2011*	*Total*	*2008*	*2009*	*2010*	*2011*	*Total*
ARMM						12	14	8	3	37
NCR	54	54	7	90	205	50	53	66	77	246
CAR	115	76	31	45	267	4	15	17	13	49
Total	**2362**	**2959**	**1207**	**2335**	**8863**	**338**	**310**	**412**	**484**	**1544**

(e) The number of Juvenile Correctional institutions and juvenile courts and their geographic location.

230. The State Party no longer uses the term "juvenile courts" but "family courts in special cases". As of November 11, 2013, the State Party has 118 special courts for family cases.

With regard to the Committee's previous concluding observations (para. 24), please provide detailed information about the measures taken to prevent the abduction and military recruitment of children by the non-State armed groups, including the Moro Islamic Liberation Front, the New People's Army and the Abu Sayyaf; the steps taken to reintegrate former child soldiers into society; and the activities of the inter-Agency Committee on Children Involved in Armed Conflict and the National Commission on Indigenous Peoples.

231. President Benigno Aquino III issued Executive Order No. 138, entitled: "Amending Executive Order (EO) No. 56 (S. 2001) Adopting the Comprehensive Program Framework for Children in Armed Conflict, Strengthening the Council for the Welfare of Children (CWC) and for other purposes" on August 2, 2013. EO 138 enhanced the Comprehensive Program Framework on Children in Situations of Armed Conflict and established the Monitoring, Reporting and Response System for the Grave Child Rights Violations in Situations of Armed Conflict, the counterpart of the Monitoring and Reporting Mechanism of the United Nations (see Security Council resolution No. 1612).

232. It also reconstituted the Interagency Committee on Children Involved in Armed Conflict where a new Memorandum of Agreement was entered into between and among the DILG, CWC, CHR, DepEd, DFA, DOH, DND, AFP, DOJ, DSWD, PNP, PHRC-S, PMS and OPAPP. The said agencies shall:

(a) Signify commitment and participation of private/business sector, NGOs, Civil Society Organizations, church-based organizations and private volunteer organizations with service for children;

(b) Issue their respective guidelines within thirty (30) days upon signing this Agreement;

(c) Enhance the CIAC Program Framework and integrate the same in their respective annual plans, programs and project consistent with their mandates which shall be reviewed periodically by the IAC-CIAC to ensure policy and program synchronization;

(d) Provide training opportunities to representative of each government agencies to develop their expertise in managing and handling CIAC.

233. The said Interagency Committee on Children Involved in Armed Conflict also serves as the Team for Monitoring, Reporting and Response System on Grave Child Rights Violations in Situations of Armed Conflict.

234. The Monitoring, Reporting and Response System protocol for grave child rights violations was developed to set standards and provide a common framework in monitoring, reporting and responding to the victims of such violations in the context of armed conflict.

235. To strengthen and increase the protection of all Filipino children who are in situations of armed conflict, there are pending bills on the subject at Congress (House Bills Nos. 823 and 1332 and Senate Bills Nos. 25 and 422). The proposed measure seeks to provide for a comprehensive protection, rehabilitation and reintegration of children in situations of armed conflict. It also prohibits both the voluntary and compulsory recruitment and involvement of persons below 18 years of age in armed conflict. It also contains proposed prohibitions and penalties for any commission of prohibited acts against Children in Situation of Armed Conflict.

236. Meanwhile, the AFP has also partnered with the CWC in the protection of children involved, affected by, or in situations of armed conflict. The AFP, likewise, issued Letter Directive 25 on July 2013, outlining the conduct of AFP personnel inside or within the premises of a school or hospital, pursuant to the United Nations resolutions on the six (6) grave child rights violations (GCRVs).

237. The DepEd will also issue a guideline complementing AFP's issuance.

In the light of the Committee's previous concluding observations (para. 11), please provide detailed information on measures taken to ensure that all human rights defenders including indigenous rights defenders, trade union and peasant activities journalists and reporters, medical personnel, and religious leaders, are protected from any intimidation or violence as a result of their activities and exercise of human rights guarantees. Please describe any legislation recognizing human rights defenders and their role in human rights. Please indicate how the work of human rights defenders is supported at the provincial and local level as well as in regions with special autonomy.

238. All advocates of human rights, including the government as human rights defenders, are equally protected under the law.

239. In May 2012, the Joint Guidelines on the conduct of the DOLE, DILG, DND, DOJ, AFP and PNP relative to the exercise of workers' rights and activities was issued, to protect and promote workers' rights and activities. Measures and advocacy campaigns are currently undertaken to fulfill the rights of human rights defenders, including the prohibition on red-baiting and propaganda against civil liberties. Recently, a law was passed granting compensation to human rights defenders who were victims of Martial Law during the incumbency of then President Ferdinand E. Marcos.

240. Please note that the CHR as an independent national human rights institution will also submit a separate state report to the United Nations regarding this issue.

Please clarify the scope of the criminal abortion ban and specify whether there are legal exceptions for abortion in specific circumstances, such as when the pregnancy endangers the life or health of the woman, when it is the result of rape or incest and in cases of fetal impairment. Please indicate the steps that the State party is taking to develop a confidential complaints mechanism for women subjected to discrimination, harassment, or ill-treatment while seeking post-pregnancy treatment or other reproductive health services and provide detailed information on steps taken by the State party to investigate, prevent and punish any incidents of ill-treatment of women seeking post-pregnancy care in government hospitals. Please indicate whether steps are being taken to restore access to emergency contraceptives for victims of sexual violence.

241. RA 10354 entitled "The Responsible Parenthood and Reproductive Health Act of 2012", was signed into law on December 21, 2012. The law funds the distribution of free

contraceptives, requires public hospitals to provide RH services, and mandates sex education in public schools. The law is aimed at giving poor women the freedom of informed choice.

Other issues

Please provide updated information on the measures taken by the State party to respond to any threats of terrorism and describe how it has ensured that those measures comply with all its obligations under international Law. Please indicate to what extent the 2007 Human Security Act has been reviewed and amended in conformity with international human rights standards. Please describe the number and types of persons convicted under the Human Security Act and the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice. Please clarify what measures are taken to investigate reports that civilians suspected of appointing insurgents are subject to torture extrajudicial executions and enforced disappearances.

242. There are existing processes, which may be availed of for the review of as RA 9372, otherwise known as the Human Security Act of 2007 (HSA). For one, considering that the HSA has already been enacted into law, a review of its constitutionality may only be done if and only when the issue is raised before the courts by an aggrieved party. While the constitutionality of the HSA has been previously questioned before the Supreme Court, the Court, however, did not have the opportunity to review the very provisions of the law for the case was dismissed by virtue of the petitioners having no legal standing to question its validity and/or their failure to present a justifiable controversy before the Court. Hence, the Court is not precluded from reviewing its provisions on any justiciable controversy duly raised by an aggrieved party. On the other hand, the HSA may still be amended or revised by a subsequent law.

243. There is no record of any person convicted for violation of the said law. The said law imposes sanctions on government personnel including the government agency concerned for malicious filing of cases under the Anti-Terrorism Law.

244. The AFP has partnered with stakeholders both in government and civil society to address and investigate human rights violations. The AFP, as part of its IPSP Bayanihan, adheres to human rights and international humanitarian law, and abides by the rule of law.

245. As regards acts of terrorism, the PNP has Police Operational Procedures (POP) to guide police officers in apprehending those who commit acts of terror and bring them to the courts of justice, with paramount consideration and strict adherence to human rights standards. Concomitantly, the POP became the principal reference in the conduct of seminars and trainings of police officers.

In the light of the Committee's previous concluding observations (para. 28) and the State party's acceptance of the recommendations made in the universal periodic review (A/HRC/8/28/Add.1 para. 2 (c)), please clarify measures taken to ratify the optional Protocol to the Convention and whether the State has set up or designated a national mechanism to conduct periodic visits to places of deprivation of liberty regarding preventing torture or other ill-treatment or punishment.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention.

246. The Philippines ratified the Optional Protocol to the Convention Against Torture in April 2012, and the setting-up of the National Preventive Mechanism (NPM) to conduct periodic visits to places of deprivation of liberty is already being processed.

Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant jurisprudential decision.

247. RA 9344 was amended by RA 10630, "An Act establishing Comprehensive Juvenile Justice and Welfare Council under the DSWD", last October 3, 2012. This Act promotes human rights especially for CICL.

248. The DSWD is working on a draft Child Protection Policy which refers to programs, services, procedures and structures that are intended to prevent and respond to abuse, neglect, exploitation, discrimination and violence against children.

Please provide detailed relevant information on the new political administrative and other measures taken to promote and protect human rights at the national level since the previous periodic report, including on any national human rights plans or programs and the resources allocated thereto, their means, objectives and results.

Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendation, since the consideration of the previous periodic report in 2009, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.

249. The following are of some of the enacted legislations aimed to protect and promote human rights in the Philippines:

- Overseas Absentee Voting Act (RA No. 9189);
- Human Trafficking Act (RA No. 9208);
- Anti-Child Labour Law (RA No. 9231);
- Anti-Child Abuse Act (RA No. 7610);
- Anti-Violence Against Women and Children Act (RA No. 9262);
- Anti-Sexual Harassment Act (RA No. 7877);
- Anti-Rape Law (RA No. 8353);
- Anti-Practice of Matching Filipino Women for Marriage to Foreign Nationals on a Mail Order Basis (RA No. 6955);
- Juvenile Justice and Welfare Act (RA No. 9344);
- Abolition of the Death Penalty (RA No. 9346);
- Magna Carta of Women (RA No. 9710);
- Anti-Torture Act (RA No. 9745);
- Magna Carta of Overseas Migrant Workers (RA No. 10022);
- Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity (RA No. 9851).